

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

TERRI HENLEY

November 15, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)
vs. Plaintiff,)
WESTROCK SERVICES, INC.,)
Defendant.)
vs.) CASE NO.
) 3 : 16 - CV - 02510
)
)

DEPOSITION OF

TERRI HENLEY

Taken on Behalf of the Plaintiff

November 15, 2017

Commencing at 11:20 a.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

November 15, 2017 | HENLEY, TERRI
KULAKOWSKI vs WESTROCK SERVICES

	Page 2		Page 4
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21			
22			
23			
24			
25			
	Page 3		Page 5
1	I N D E X		
2	INDEX OF EXAMINATIONS		
3		Page	
4	Examination By Ms. Collins	7	
5	Examination By Ms. Dohner Smith	120	
6			
7			
8	MARKED EXHIBITS		
9			
10	Exhibit Description Page		
11	No. 15 10/31/13 Global Compliance Alertline53		
	System Report No. RTC-13-10-0031		
	Bates WestRock 000193-0196		
12			
13	No. 16 8/17/16 Henley e-mail to McGraw56		
	Subject: 2133 - Investigation Report		
	- August 2016		
14	Bates WestRock 000218-0223		
15	No. 17 8/18/16 Henley e-mail to McGraw68		
	Subject: Investigation		
16	Bates WestRock 000224		
17	No. 18 Henley notes "Follow up on four70		
	alleged witnesses-Names provided		
18	by Michael Kulakowski"		
	Bates WestRock 000225		
19			
20	No. 19 WestRock Investigation Summary75		
	Bates WestRock 000226-0229		
21	No. 19123		
22	No. 20 8/26/16 Henley/McGraw e-mail chain78		
	Subject: Questions		
23	Bates WestRock 000230		
24	No. 21 8/26/16 Meeting notes79		
	"August 26, 2016-MK-2:10pm"		
	Bates WestRock 000231-0233		
25			

	Page 6		Page 8
1	The deposition of TERRI HENLEY was	1	What is your job title?
2	taken on behalf of the Plaintiff on November 15,	2	Business unit HR manager.
3	2017, in the offices of Bone, McAllester & Norton,	3	Have you been in that role since April of
4	131 Saundersville Road, Suite 130, Hendersonville,	4	2012?
5	Tennessee, for all purposes under the Federal Rules	5	No, ma'am.
6	of Civil Procedure.	6	Okay. How long have you been business unit
7	The formalities as to notice, caption,	7	HR manager?
8	certificate, et cetera, are waived. All objections,	8	November of 2014.
9	except as to the form of the questions, are reserved	9	What was your job before that?
10	to the hearing.	10	Senior HR rep.
11	It is agreed that Jerri L. Porter,	11	What is the difference between a business
12	being a Notary Public and Court Reporter for the	12	unit HR manager and a senior HR rep?
13	State of Tennessee, may swear the witness, and that	13	When I was promoted to the BU HR manager, I
14	the reading and signing of the completed deposition	14	took on additional facilities, and also took on
15	by the witness are reserved.	15	salary employees.
16		16	As the senior HR rep, were you just at the
17		17	Lewisburg plant?
18		18	No, ma'am.
19		19	Which plant were you at?
20		20	I was at Lewisburg and I had Chattanooga.
21	* * *	21	But you were still based out of the
22		22	Lewisburg plant?
23		23	Yes, ma'am.
24		24	How many facilities are you over as the
25		25	business unit HR manager?
	Page 7		Page 9
1	TERRI HENLEY	1	Four.
2	was called as a witness, and after having been first	2	Which four?
3	duly sworn, testified as follows:	3	Chattanooga, Gallatin, Lewisburg,
4	E X A M I N A T I O N	4	Murfreesboro.
5	BY MS. COLLINS:	5	Do you have anyone that reports to you?
6	Q Could you state your complete name for the	6	No, ma'am.
7	record?	7	Who is your manager?
8	A It's Terri Henley, T-e-r-r-i, H-e-n-l-e-y.	8	Regina Wimbley.
9	Q Ms. Henley, what is your address?	9	How long has Regina been your manager?
10	A 320 Arnold Road, Shelbyville, Tennessee.	10	I don't know the exact date.
11	Q What is that zip?	11	Who was your manager before Regina?
12	A 37160.	12	Melinda McGraw.
13	Q And what is your phone number?	13	Ms. McGraw was your manager in 2016, right?
14	A (931)492-3172.	14	Yes.
15	Q Is that a mobile or home?	15	Was she your manager in 2015?
16	A That is my mobile.	16	Yes.
17	Q Okay. Where do you currently work?	17	What about 2014?
18	A WestRock.	18	Yes.
19	Q Which -- well, are you based out of a	19	Okay. So, Ms. Wimbley probably became your
20	particular facility?	20	manager sometime 2017?
21	A I have a home plant that is Lewisburg,	21	Yes.
22	Tennessee.	22	When Ms. McGraw was your manager, where was
23	Q How long have you been based out of the	23	she based?
24	Lewisburg plant?	24	Humboldt, Tennessee.
25	A April of 2012.	25	What was her job title?

	Page 10		Page 12	
1 A	Area HR manager.	1 Q	When I say the Gallatin plant, did you go to	
2 Q	Okay. So I'm gathering that the WestRock	2 the sheet plant or did you go to the fulfillment		
3 facilities are divided up into -- as far as HR	3 center?	4 A	I would go to both locations.	
4 functions, are divided up into business units, and	5 Q	Why would you go out there?	6 A	I would go out to be the HR presence in the
5 then area, which is a larger area, and then beyond	7 A	7 facility.	8 Q	8 Did you have set office hours?
6 that, is it regional?	9 A	9 No.	10 Q	10 Did you let employees know when you were
7 A	Yes.	11 coming?	12 A	12 Yes.
8 Q	Who was the -- who was Ms. McGraw's boss or	13 Q	13 Who would you let know? Or how would you	
9 over her?	10 A	14 let them know?	15 A	15 I would tell the general manager.
10 A	Joy Jones.	16 Q	16 Would that be Tommy Whited?	
11 Q	Is Ms. McGraw still with WestRock?	17 A	17 Yes.	
12 A	No.	18 Q	18 Did you have a dedicated HR office out at	
13 Q	When did she leave? Sometime in 2017, I	19 the Gallatin plant?	20 A	19 No.
14 guess.	21 Q	20 Where would you sort of set up shop when you	21 Q	21 were out there?
15 A	No. December of 2016.	22 A	22 In the conference room.	
16 Q	Do you know why she left WestRock?	23 Q	23 Was the conference room next door to Tommy	
17 A	No.	24 A	24 Whited's office?	
18 Q	Do you know if she was terminated or if she			
19 quit?	20 A			
21 Q	You don't know?	21 Q		
22 A	I don't know.	22 A		
23 Q	Where is Ms. Jones?	23 A		
24 A	I don't understand the question.	24 Q		
25 Q	Where is she based out of?	25 A		
	Page 11		Page 13	
1 A	Atlanta.	1 A	No.	
2 Q	Okay. Is that where WestRock's main offices	2 Q	How close was it to Tommy Whited's office?	
3 are, corporate offices?	3 A	3 Which location?		
4 A	No. Norcross.	4 Q	4 Both.	
5 Q	Okay. Norcross, Georgia?	5 A	5 At the sheet plant, maybe 25, 30 feet. I'm	
6 A	Yes.	6 not sure of the exact distance.		
7 Q	So, when you became the business unit HR	7 Q	7 Like on the same hall or something?	
8 manager, that included the Gallatin plant, and that	8 A	8 A	8 Yes.	
9 was in 2012, I think you said, right?	9 Q	9 Q	9 Okay. And what about at the fulfillment	
10 A	No.	10 A	10 center?	
11 Q	Oh. When was that?	11 A	11 His office was across the plant. I can't	
12 A	November 2014.	12 give you the distance.		
13 Q	So, November 2014 was the first time you	13 Q	13 Okay.	
14 were over the -- or you were the HR person for the	14 A	14 A	14 I don't know how far it would be.	
15 Gallatin plant, right?	15 Q	15 Q	15 What about Susan Hart's office? How close	
16 A	Yes.	16 A	16 was it to Susan Hart's office, the conference room	
17 Q	Who preceded you in that position?	17 at the fulfillment center?	17	
18 A	I don't know.	18 A	18 Next door.	
19 Q	So, when you became the business unit HR	19 Q	19 Q	19 Do you know how many plants WestRock has in
20 manager for the Gallatin plant in November of 2014,	20 A	20 Tennessee?	20 Tennessee?	
21 after that point, how many times would you go out to	21 A	21 A	21 No.	
22 the plant? Or how frequently?	22 Q	22 Q	22 Do you have a guess?	
23 A	I estimate an average of once a month.	23 A	23 A	23 No. Because I'm only responsible for the
24 Q	Was that the same in 2015?	24 corrugated division. I don't know how many WestRock	24	
25 A	Yes.	25 has in the state of Tennessee.	25	

	Page 14		Page 16
1 Q	Is the Gallatin plant in the corrugated division?	1 A	It varied.
2		2 Q	What would it depend on?
3 A	Yes.	3 A	I may drive up one morning, spend six hours at fulfillment, stay overnight, the next morning go to the sheet plant or vice versa.
4 Q	Okay. Do you know Tom Pedine?	6 Q	And who determined that schedule or when you needed to go out there?
5 A	Yes.	8 A	I did.
6 Q	What's his job?	9 Q	Did you keep a calendar or schedule of when you went out to the various plants?
7 A	Business unit general manager.	11 A	For what time frame?
8 Q	Was that the same in 2016 and '17?	12 Q	Well, let's start with 2016. And I'm excluding -- let me just say, I'm excluding the investigation period related to Mr. Whited, because I know that there was an uptick.
9 A	Yes.	16 A	I don't recall.
10 Q	Where is he based out of?	17 Q	Okay. You don't recall if you kept any sort of calendar or schedule?
11 A	Murfreesboro.	19 A	I don't recall.
12 Q	Is the business unit manager over HR?	20 Q	Okay. Well, if you're going to be at a different plant other than the Lewisburg plant, would you let somebody know where you were going to be?
13 A	No.	24 A	Yes.
14 Q	What is it -- do you know what that job is for?	25 Q	Who would you typically let know?
16 A	He is responsible for the four facilities in the Tennessee BU.		
18 Q	And the four facilities in the Tennessee business unit are the ones that you are the HR person for?		
21 A	Yes.		
22 Q	Now, you mentioned that when you would go to the Gallatin plant, you would go there to be an HR presence. Like what sort of functions did you perform?		
25			
	Page 15		Page 17
1 A	I would walk the plant floor, participate in any meetings, assist employees with any issues they may have, meet with the management team.	1 A	I would let my boss know.
4 Q	What do you mean, you would assist with the employees with issues? Like what?	2 Q	Did you have any sort of assistant or administrative assistant that helped you?
6 A	If they had any issues, comments, or concerns.	4 A	No.
8 Q	Was that the same in 2015?	5 Q	And how would you let your boss know?
9 A	Yes.	6 A	Via e-mail or phone call.
10 Q	Was that the same in 2016?	7 Q	And that was Ms. McGraw, right?
11 A	Yes.	8 A	Yes.
12 Q	When you would go to the Gallatin plant, how much time would you spend there per day?	9 Q	Until she left in December of 2016?
14 A	Approximately eight hours.	10 A	Yes.
15 Q	So if you went to the Gallatin plant, you would stay there all day?	11 Q	Do you maintain your e-mails?
17 A	Yes.	12 A	I don't understand.
18 Q	But you didn't have any sort of set days or times of the month that you would come out, right?	13 Q	Do you have any sort of specific process where you keep certain e-mails or delete certain e-mails or how do you maintain your e-mails?
20 A	No. I did not have set days.	16 A	I have them filed in my Outlook.
21 Q	And when you say you would go to the Gallatin plant for eight hours, was that eight hours at the fulfillment center and eight hours at the sheet plant, or you would split your time between the two?	17 Q	So it doesn't sound like you delete e-mails, right?
25		19 A	I didn't say I didn't delete e-mails.
		20 Q	Well, do you delete e-mails?
		21 A	Yes.
		22 Q	What is your typical practice of the ones that you delete?
		24 A	I don't know -- I don't understand the question.

	Page 18		Page 20
1 Q	Well, do you just delete spam type e-mails,	1 Q	I understand Susan Hart was moved from the
2 marketing e-mails, or do you delete other business		2 fulfillment center to the sheet plant. Is that	
3 related e-mails that you think you don't need		3 correct?	
4 anymore?		4 A	Yes.
5 A	Yes, I delete spam. Yes, I delete junk.	5 Q	Why?
6 Yes, I have -- delete business related.		6 A	I don't know.
7 Q	Do you know if the company has a document	7 Q	Were you involved in that decision?
8 destruction or preservation policy?		8 A	No.
9 A	Yes.	9 Q	Who was?
10 Q	Okay. Is that in the company handbook?	10 A	I don't know.
11 A	I don't know.	11 Q	How did you find out about it?
12 Q	What is your understanding of that policy?	12 A	She was at the sheet plant one day when I
13 A	It outlines what files have to be kept and	13 came to visit.	
14 for how long and the destruction process.		14 Q	Okay. But you weren't involved in that at
15 Q	Does it have any specific provisions about	15 all?	
16 e-mails?		16 A	No.
17 A	I don't know.	17 Q	I guess as the business unit manager, which
18 Q	I can't remember if I asked you, do you	18 is an HR job, right?	
19 supervise anyone?		19 A	Would you re-ask the question?
20 A	I do not.	20 Q	Well, I think you said your job title is
21 Q	Okay. Did you play a part in the decision	21 business unit -- what? HR?	
22 to demote Larry Eden?		22 A	HR manager.
23 A	No.	23 Q	So, as business unit HR manager, you're
24 Q	Do you know anything about that?	24 familiar with WestRock's policies?	
25 A	Yes.	25 A	Yes.
	Page 19		Page 21
1 Q	What do you know?	1 Q	If you could turn to Exhibit Number 4 here
2 A	That he was demoted.	2 in this binder.	
3 Q	What else do you know? Why was he demoted?	3 (Presented Exhibit No. 4.)	
4 A	Performance.	4 BY MS. COLLINS:	
5 Q	Who made that decision?	5 Q	If you could turn to Page 11 for me, please.
6 A	The general manager.	6 Have you seen this policy before?	
7 Q	And who was the general manager at that	7 A	Yes.
8 time?		8 Q	Okay. And is this WestRock's sexual
9 A	Al Hasbrouck and Tim Goeke.	9 harassment policy?	
10 Q	How do you spell Tim's last name?	10 A	Yes.
11 A	G-o-e-k-e.	11 Q	And this policy covers any sort of unwelcome
12 Q	What are their job titles?	12 sexual advances, requests for favors, or other	
13 A	Al Hasbrouck is general manager. Tim Goeke	13 verbal or physical conduct of a sexual nature,	
14 is the area HR manager.		14 right?	
15 Q	How long has Tim been area HR manager?	15 A	Would you repeat the question?
16 A	I don't know.	16 MS. COLLINS: Would you repeat it.	
17 Q	What about his performance was deficient?	17 (The requested question was read back	
18 A	I don't know that.	18 by the court reporter as follows:	
19 Q	Was he demoted -- did his demotion have	19 "Question: And this policy covers any	
20 anything to do with Tommy Whited or Michael		20 sort of unwelcome sexual advances, requests for	
21 Kulakowski?		21 favors, or other verbal or physical conduct of a	
22 A	No.	22 sexual nature, right?"	
23 Q	And Al Hasbrouck, he replaced Tommy Whited	23 THE WITNESS: Yes.	
24 as general manager, right?		24 BY MS. COLLINS:	
25 A	Yes.	25 Q	Okay. Now, is an employee hitting another

Page 22	Page 24
1 employee in the groin conduct of a sexual nature?	1 A Yes.
2 MS. DOHNER SMITH: Objection.	2 Q And if submission to conduct like that,
3 THE WITNESS: Would you repeat the	3 either hitting in the groin -- well, let's just
4 question.	4 stick with hitting in the groin -- was made a
5 (The requested question was read back	5 condition of their employment, that would be a
6 by the court reporter as follows:	6 violation of WestRock's policies, right?
7 "Question: Now, is an employee hitting	7 MS. DOHNER SMITH: Objection.
8 another employee in the groin conduct of a sexual	8 THE WITNESS: Would you repeat the
9 nature?"	9 question?
10 THE WITNESS: I don't know.	10 BY MS. COLLINS:
11 BY MS. COLLINS:	11 Q Sure. Submission to conduct like that,
12 Q Why do you not know?	12 hitting in the groin, if that was made -- if either
13 A I need clarification on the question.	13 explicitly or implicitly a term or condition of
14 Q Well, if you were hit in the groin, would	14 employment, that would be a violation of WestRock's
15 you consider that conduct of a sexual nature in the	15 policies, right?
16 workplace?	16 A If proven.
17 A Repeat the question, please.	17 Q Well, let's go back to the policy. The
18 (The requested question was read back	18 first bullet point up there at the top of the page,
19 by the court reporter as follows:	19 says, "submission to such conduct is made either
20 "Question: Well, if you were hit in	20 explicitly or implicitly a term or condition of
21 the groin, would you consider that conduct of a	21 employment."
22 sexual nature in the workplace?"	22 That would be a violation of the policy if
23 THE WITNESS: May I please take a	23 it was unwelcome hitting in the groin?
24 restroom break?	24 A Unwelcome hitting in the groin. Would you
25	25 repeat the question?
Page 23	Page 25
1 BY MS. COLLINS:	1 Q Sure. Would unwelcome hitting in the groin,
2 Q Not while a question is pending.	2 if that was made -- if submission to that kind of
3 A Will you please re-read the question for me.	3 conduct was made either explicitly or implicitly a
4 (The requested question was read back	4 term or condition of a WestRock employee's
5 by the court reporter as follows:	5 employment, that would be a violation of this
6 "Question: Well, if you were hit in	6 policy, right?
7 the groin, would you consider that conduct of a	7 A Yes.
8 sexual nature in the workplace?"	8 Q Okay. And this policy also talks about
9 THE WITNESS: Yes.	9 unreasonable interference with the work environment.
10 MS. COLLINS: Do you still need a	10 Would getting kicked in the groin so that you lose
11 break?	11 your breath and can't stand up, would that interfere
12 THE WITNESS: Yes, please.	12 with an employee's work environment at WestRock?
13 (Recess observed.)	13 MS. DOHNER SMITH: Objection.
14 BY MS. COLLINS:	14 THE WITNESS: Repeat the question,
15 Q All right. We are back on the record.	15 please.
16 We were talking before the break about the	16 (The requested question was read back
17 policies, the WestRock policies that you testified	17 by the court reporter as follows:
18 that you were familiar with.	18 "Question: And this policy also talks
19 Ms. Henley, we were also talking about	19 about unreasonable interference with the work
20 hitting in the groin. I think you said you would	20 environment. Would getting kicked in the groin so
21 find hitting in the groin to be sexual in nature,	21 that you lose your breath and can't stand up, would
22 correct?	22 that interfere with an employee's work environment
23 A Yes.	23 at WestRock?"
24 Q And that's unacceptable conduct in the	24 MS. DOHNER SMITH: Objection.
25 workplace at WestRock, correct?	25 THE WITNESS: I don't know.

Page 26	Page 28
1 BY MS. COLLINS:	1 them to do their job duties?
2 Q Well, if they're getting kick or hit in the	2 A I don't remember.
3 groin and they can't stand up because they've lost	3 Q Did you ask them?
4 their breath, they wouldn't be doing their regular	4 A I don't remember.
5 job duties, right?	5 Q What would help you to remember?
6 MS. DOHNER SMITH: Objection.	6 A The investigation notes.
7 THE WITNESS: I don't know.	7 Q Okay. Your investigation notes from when
8 BY MS. COLLINS:	8 you talked with these people?
9 Q Well, if an employee gets hit or kicked in	9 A Yes.
10 the groin so that it hurts them so bad they fall to	10 Q Okay. All right. We'll get to those in
11 the ground and they can't breathe, they're not doing	11 just a second.
12 their regular job duties, correct?	12 A All right.
13 MS. DOHNER SMITH: Objection.	13 Q But you think those notes would help refresh
14 THE WITNESS: I don't know.	14 your recollection as to whether or not it interfered
15 BY MS. COLLINS:	15 with their ability to perform their job duties?
16 Q I mean, would you be able to?	16 MS. DOHNER SMITH: Objection.
17 A I don't know.	17 THE WITNESS: Well, I don't know.
18 Q If you're on the ground struggling to	18 BY MS. COLLINS:
19 breathe because somebody has hit you in a place that	19 Q So, do you think it would help you refresh
20 hurt, you wouldn't be able to do your regular job	20 your recollection if you looked at your notes?
21 duties, right?	21 A Refresh recollection, yes.
22 MS. DOHNER SMITH: Objection.	22 Q Okay. Now, is it appropriate workplace
23 THE WITNESS: I don't know.	23 conduct at WestRock if a manager is showing his
24 BY MS. COLLINS:	24 private parts to one of his subordinate employees?
25 Q Why don't you know? What's the problem with	25 A Repeat the question.
Page 27	Page 29
1 the question?	1 Q Is it appropriate workplace conduct for a
2 A Because I've not been hit in the groin to	2 manager to show his private parts to a subordinate
3 know how that would affect me.	3 employee in the workplace at WestRock?
4 Q Okay. Have you talked to employees who have	4 A No.
5 been?	5 Q Would that be considered sexual harassment?
6 A Yes.	6 MS. DOHNER SMITH: Objection.
7 Q Okay. Did they talk about how it made it	7 THE WITNESS: Not necessarily.
8 hard for them to do their jobs?	8 BY MS. COLLINS:
9 A I don't remember.	9 Q Why wouldn't it be?
10 Q Who have you talked to that's been hit in	10 A Would you repeat the question, please.
11 the groin?	11 Q Sure. Why wouldn't a manager showing his
12 A Michael Kulakowski.	12 private parts to a subordinate employee be
13 Q Who else?	13 considered sexual harassment? You said you didn't
14 A Jerry Harville.	14 know if it would be considered sexual harassment,
15 Q Who else?	15 and I'm wanting to know why it wouldn't be, if
16 A I don't remember.	16 that's the case.
17 Q Donnie Taylor, was he one of them?	17 A Reading the policy, exposing one time
18 A I don't remember.	18 doesn't fall under sexual harassment.
19 Q Okay. Was it the ones that have been hit in	19 Q Where in the policy does it say a one-time
20 the groin by Tommy Whited?	20 exposure of someone's penis to another employee is
21 A The ones?	21 not sexual harassment?
22 Q The employees who had been hit in the groin	22 A It states, "Unwelcome sexual advances,
23 by Tommy Whited.	23 requests for sexual favors, and other verbal or
24 A Yes.	24 physical conduct of a sexual nature constitute
25 Q Did they tell you that it made it hard for	25 sexual harassment when: Submission to such conduct

Page 30	Page 32
1 is made either explicitly or implicitly a term or 2 condition of individual employment...used as the 3 basis for employment decisions...effect of 4 unreasonable interference of an individual's work 5 performance..."	1 BY MS. COLLINS: 2 Q Could that be considered sexual harassment 3 under this policy? Hitting in the groin, 4 specifically.
6 Q "...or creating an intimidating, hostile, or 7 offensive working environment." Right?	5 A Repeat the question, please. 6 (The requested question was read back 7 by the court reporter as follows: 8 "Question: Could that be considered 9 sexual harassment under this policy? Hitting in the 10 groin, specifically.")
8 A Right.	11 THE WITNESS: It could be.
9 Q That's what it says. So it doesn't say 10 anything about a one-time exposure not being sexual 11 harassment, correct?	12 BY MS. COLLINS:
12 A It doesn't say that it is either.	13 Q Okay. If the employee found it offensive, 14 could it be considered sexual harassment to be hit 15 in the groin?
13 Q Okay. So are you saying that a one-time 14 exposure of a manager's penis to a subordinate 15 employee is not sexual harassment in your mind 16 because it doesn't explicitly say so in this policy?	16 A Yes.
17 A No. Because it's not pervasive and is a 18 one-time event.	17 Q Okay. Would an employee being afraid to use 18 the bathroom because they were afraid the manager 19 would expose themselves, their private parts in the 20 bathroom, would that constitute interference with 21 their ability to perform their job?
19 Q So, you're saying that it's not -- because 20 it just happened once, that it's not a big deal?	22 MS. DOHNER SMITH: Objection.
21 A No.	23 THE WITNESS: I don't know.
22 Q What are you saying?	24 BY MS. COLLINS:
23 A Would you repeat the question, please.	25 Q Okay. Now, horseplay can be considered
24	
25	
Page 31	
1 (The requested question was read back 2 by the court reporter as follows: 3 "Question: What are you saying?") 4 THE WITNESS: Would you repeat the 5 previous question?	1 sexual harassment, right? 2 MS. DOHNER SMITH: Objection. 3 THE WITNESS: It depends.
6 BY MS. COLLINS:	4 BY MS. COLLINS:
7 Q Let me put it this way: Can a one-time 8 event be considered sexual harassment?	5 Q On what?
9 A I don't know.	6 A The nature of the horseplay.
10 Q Well, if somebody exposed themselves to you 11 in the workplace, a male manager of yours showed you 12 his penis, and said, why don't you come to the 13 bathroom and suck my penis, would you consider that 14 severe?	7 Q Tell me what you would define horseplay to 8 be.
15 A Yes.	9 A Goofing around.
16 Q Would you consider that sexual harassment?	10 Q I'm talking about grabbing other employees 11 in their private parts or hitting them in their 12 private parts, that type of horseplay could be 13 considered sexual harassment, correct?
17 A Yes.	14 MS. DOHNER SMITH: Objection.
18 Q Okay. If an employee came to you and said 19 this happened to me, would you consider that sexual 20 harassment?	15 THE WITNESS: It could be.
21 A What is "this"?	16 BY MS. COLLINS:
22 Q What I just described.	17 Q And horseplay is a violation of WestRock's 18 code of conduct, right?
23 A Yes.	19 A Yes.
24 Q What about assault by another employee?	20 Q And can an employee be disciplined for 21 engaging in horseplay in the workplace?
25 MS. DOHNER SMITH: Objection.	22 A Yes.
	23 Q And pursuant to this policy that we've been 24 talking about, employees who believe they've been 25 harassed, they can talk directly to the harasser and

<p>1 tell them to stop, right?</p> <p>2 A Yes.</p> <p>3 Q And one of the ways that they can report</p> <p>4 their problems is to notify a supervisor or a</p> <p>5 manager, correct?</p> <p>6 A Yes.</p> <p>7 Q Who falls in that chain of command or that</p> <p>8 definition of supervisor or manager?</p> <p>9 A Be more specific.</p> <p>10 Q Well, I'm asking you, it says, the policy --</p> <p>11 on Page 11 of Exhibit Number 4 says, "If an employee</p> <p>12 makes a complaint regarding harassment to a</p> <p>13 supervisor or manager, then the supervisor or</p> <p>14 manager is required to notify his or her divisional</p> <p>15 HR director..."</p> <p>16 Who would be considered a supervisor or</p> <p>17 manager under that part of the policy?</p> <p>18 A Production supervisors or managers.</p> <p>19 Q What other types of managers or supervisors?</p> <p>20 General manager?</p> <p>21 A A general manager, yes.</p> <p>22 Q Plant manager?</p> <p>23 A Yes.</p> <p>24 Q Any other type of supervisor or manager?</p> <p>25 A Production supervisor, customer service</p>	<p>Page 34</p> <p>1 that they had been harassed or kicked or anything</p> <p>2 like that in the workplace, those people should have</p> <p>3 reported that to divisional HR.</p> <p>4 A Yes.</p> <p>5 MS. DOHNER SMITH: Objection.</p> <p>6 BY MS. COLLINS:</p> <p>7 Q Okay. And the divisional HR manager, was</p> <p>8 that -- who?</p> <p>9 A Joy Jones.</p> <p>10 Q And it says, "...along with his or her local</p> <p>11 human resources representative..."</p> <p>12 And the local HR representative, would that</p> <p>13 be considered you?</p> <p>14 A What time frame?</p> <p>15 Q 2016.</p> <p>16 A Yes.</p> <p>17 Q And 2015?</p> <p>18 A Yes.</p> <p>19 Q Okay. And before the report in August of</p> <p>20 2015, had any of these people -- or 2016, had any of</p> <p>21 these people reported anything to you about Tommy</p> <p>22 Whited?</p> <p>23 A Which report?</p> <p>24 Q Before August of 2016, at any time before</p> <p>25 August of 2016, had any of these people made a</p>
<p>1 manager, a safety manager.</p> <p>2 Q Anyone else?</p> <p>3 A Possibly. Any manager or supervisor.</p> <p>4 Q Okay. Who was the production manager --</p> <p>5 production supervisor at the Gallatin fulfillment</p> <p>6 center?</p> <p>7 A Michael White.</p> <p>8 Q And he's still the production supervisor,</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q And the general manager, that was Tommy</p> <p>12 Whited, right?</p> <p>13 A Yes.</p> <p>14 Q Who was the plant manager? Was that Larry</p> <p>15 Eden?</p> <p>16 A Yes.</p> <p>17 Q And the customer service manager?</p> <p>18 A Keith Hall.</p> <p>19 Q And the safety manager?</p> <p>20 A We did not have a safety manager. Safety</p> <p>21 coordinator.</p> <p>22 Q Who is the safety coordinator?</p> <p>23 A Lana Potts.</p> <p>24 Q Okay. So, if any one of those people</p> <p>25 received a complaint or had an employee tell them</p>	<p>Page 35</p> <p>1 report to you about Tommy Whited's behavior of</p> <p>2 hitting other employees in the groin or harassing</p> <p>3 other employees?</p> <p>4 A No.</p> <p>5 Q If they had witnessed such conduct, should</p> <p>6 they have reported that to you?</p> <p>7 A Yes.</p> <p>8 Q And when you started dealing with Michael</p> <p>9 Kulakowski's situation, he told you that he had told</p> <p>10 Mr. Whited on several occasions to stop hitting him,</p> <p>11 right?</p> <p>12 A I don't recall.</p> <p>13 Q But Michael Kulakowski reported to you that</p> <p>14 he had been hit in the groin on numerous occasions</p> <p>15 by Mr. Whited, right?</p> <p>16 MS. DOHNER SMITH: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. COLLINS:</p> <p>19 Q And he also reported that he had -- that</p> <p>20 those -- that some of those incidents had been</p> <p>21 witnessed by other members of management or</p> <p>22 supervisors.</p> <p>23 A Yes.</p> <p>24 Q Were any of the managers or supervisors that</p> <p>25 he reported witnessing him being hit, written up or</p>

	Page 38		Page 40
1	disciplined for not reporting it when they saw it?	1	A Yes.
2	A Repeat the question.	2	Q Is it different now?
3	Q Were any of the managers or supervisors that	3	A It has WestRock at the top, yes.
4	Michael Kulakowski reported having witnessed him	4	Q Okay. Now, you would agree with me that
5	being hit by Tommy Whited disciplined in any way for	5	nowhere on this piece of paper does it say
6	not reporting that conduct to HR?	6	complaints regarding sexual harassment should -- can
7	A No.	7	be reported to this phone number?
8	Q If you could turn to Page 12 of Exhibit 4,	8	A It does not specifically say sexual
9	please.	9	harassment.
10	Down at the bottom of the page is the	10	Q Okay. Has -- to your knowledge, has
11	company's anti-violence policy. Are you familiar	11	WestRock ever disciplined an employee for not
12	with that policy?	12	reporting harassment or assault?
13	A Familiar, yes.	13	A I don't recall.
14	Q And pursuant to this policy, "If an employee	14	Q Other than handing out employee handbooks,
15	is threatened, witnesses, or overhears a threat of	15	do y'all make one accessible to employees in the
16	bodily harm, he or she must report it directly to a	16	workplace?
17	supervisor or manager." Right?	17	A Yes.
18	A Yes.	18	Q Where do y'all keep them?
19	Q And if a manager is involved in the threat,	19	A Breakroom. And the intranet has WestRock
20	then it should be reported to local human resources.	20	policies on there that they have access to.
21	A Yes.	21	Q Was that the same in 2015 and 2016?
22	Q And that would be you, correct?	22	A Yes. We have HR kiosks.
23	A Yes.	23	Q Is it the same at the fulfillment center?
24	Q And I think we've already gone over that no	24	A Yes.
25	supervisor or manager reported anything to you about	25	Q Have you ever been involved in a termination
	Page 39		Page 41
1	Michael Kulakowski getting hit in the workplace?	1	of an employee for incorrect information on their
2	A No supervisor prior to, yes.	2	job application?
3	Q Now I'm going to skip back to Page 11 again.	3	A No.
4	Well, no. I'm going to jump forward to Page 7, the	4	Q Have you ever been involved in the
5	compliance hotline.	5	termination of an employee for incomplete
6	Tell me what this is for, Page 7.	6	information on a job application?
7	A The compliance hotline?	7	A No.
8	Q Uh-huh.	8	Q Does WestRock run background checks on
9	A It's another avenue for employees to report	9	employees when they hire them?
10	inappropriate behavior or concerning behavior,	10	A Yes.
11	anything that they think may be inappropriate	11	Q Was that the same when it was RockTenn?
12	violation of company policy.	12	A I can only speak for my facilities. Yes.
13	Q Okay. And is this posted in the workplace,	13	Q And has it been that way since 2012, since
14	this compliance hotline paper?	14	you've worked there?
15	A Yes.	15	A Yes.
16	Q Where is it posted?	16	Q How far back do y'all go for background
17	A On the bulletin boards.	17	checks?
18	Q Okay. And what is posted, does it look just	18	A Seven years.
19	like this page, Page 7?	19	Q And as far as you know, has it always been
20	A What's posted today?	20	you just go back seven years?
21	Q No. What was posted in, I don't know,	21	A As far as I know, yes.
22	2015/2016.	22	Q And you did not -- WestRock did not receive
23	A Yes.	23	any complaints from women that they were hit or
24	Q It looks like this document right here	24	kicked in the groin by Tommy Whited, did they?
25	that's Page 7?	25	A Well, I don't know.

	Page 42		Page 44
1 Q	Are you aware of any?	1 Q	What is the Speak Up! e-mails? What do you mean by that?
2 A	Would you rephrase the question.	3 A	It's another avenue for employees to report any concerns, ideas, suggestions, things of that nature, via e-mail, anonymously, or you can put your name to it, if you like.
3 Q	Are you aware of any report -- of WestRock receiving any reports by women that they were hit or kicked in the groin by Tommy Whited?	4	
4		5	
5		6	
6 A	I am not aware of any.	7 Q	Who made the -- who sent the Speak Up!
7 Q	Okay. And if it happened since 2012, you would have been made aware of it, given your role in	8	e-mail?
8		9 A	Who sent it?
9 HR, right?		10 Q	Who was it from? Was it anonymous or did it
10 A	No.	11	have a name identified with it?
11 Q	Why not?	12 A	I believe it was anonymous.
12 A	Because I only supported one facility in	13 Q	Okay. Well, then what happened once you got
13 2012.		14	that?
14 Q	Okay.	15 A	I came to the -- well, I made a couple of phone calls to employees referenced in the e-mail.
15 A	So I would only have knowledge of that facility.	16	
17 Q	Okay. But when you were over -- became over the Gallatin facility, you would have known about	17 Q	Who did you call?
18		18 A	I attempted to call Ken Buckmaster, and I
19	it, right?	19	called Johanna Crowder.
20 A	Not necessarily.	20 Q	Anyone else?
21 Q	Why not?	21 A	Eventually, yes.
22 A	It could have come to someone else.	22 Q	Okay. So, when you called these people,
23 Q	Like who?	23	what did you find out?
24 A	My boss.	24 A	Buckmaster never responded, so I never spoke with him. And my conversation with Johanna was
25 Q	Okay. And that was?		
	Page 43		Page 45
1 A	Melinda McGraw.	1	based on her exit interview. She was leaving.
2 Q	But you're not aware of any complaints from	2 Q	Okay. What did you find out there?
3 women about Tommy Whited kicking or hitting them in		3 A	She was leaving for another opportunity, and
4 the groin?		4	she wasn't happy with the current work environment.
5 A	I am not.	5 Q	Okay. What was she not happy about?
6 Q	Okay. So is it fair to say that you only	6 A	I don't recall specifically.
7 have knowledge about men working at WestRock being		7 Q	What do you recall generally?
8 kicked or hit in the groin by Tommy Whited?		8 A	Hours. That's all I recall.
9 A	Yes.	9 Q	Okay. So, what about those two phone calls
10 Q	And you agree that was a violation of	10	led you to investigate further?
11 WestRock's policies for him to do that?		11 A	I went to the facility to speak to Johanna in person.
12 A	Yes.	13 Q	Okay. What about you speaking with her in
13 Q	Tell me about when you first found out --	14	person led you to investigate further?
14 how it came about that y'all investigated Tommy		15 A	She indicated there was someone else that
15 Whited in August of 2016.		16	wanted to speak to me.
16 A	I was asked to check into a Speak Up! e-mail	17 Q	Who?
17 that was received at corporate.		18 A	That was Helen Kendall.
18 Q	So, that was not a Global Compliance hotline	19 Q	Okay. And did you speak with Helen?
19 complaint? It was something different?		20 A	I did.
20 A	Yes.	21 Q	Okay. What did Helen have to say?
21 Q	Okay. When did y'all start this Speak Up!	22 A	She brought forth some items about an
22 e-mails?		23	employee being paid when he wasn't at work, alleged
23 A	The company?	24	that Tommy was having an affair with a subordinate.
24 Q	That you know of.	25	That's all I recall.
25 A	I don't recall.		

	Page 46		Page 48
1 Q	Okay. How long was your meeting with	1 right?	
2 Johanna when you first met with her?		2 A Record?	
3 A	I don't remember.	3 Q Record them.	
4 Q	Just about, approximate? Less than an hour?	4 A No.	
5 More than an hour?		5 Q Like I'm talking audio recording.	
6 A	I would say at least 30 minutes.	6 A No.	
7 Q	Okay. Did you take notes?	7 Q All right. So you spoke with Gary, you	
8 A	Yes.	8 spoke with Helen, and you spoke with Johanna, and	
9 Q	What kind of notes?	9 you can't remember if you spoke with anyone else?	
10 A	What do you mean?	10 A I know I spoke with other people. I just	
11 Q	Did you handwrite them, did you record the	11 don't remember the exact order.	
12 meeting, did you --		12 Q Okay. Did you speak with other people that	
13 A	No. I typed those notes.	13 day or --	
14 Q	Did you type them at the time?	14 A It may have been the next day. It could	
15 A	Yes.	15 have been that afternoon. I don't recall.	
16 Q	And with Helen, when you met with her --	16 Q And do you recall the others that you spoke	
17 first, where did you meet Johanna?		17 to?	
18 A	In the conference room at the sheet plant.	18 A I do. Just not necessarily the order.	
19 Q	Okay. And when you met with Helen, where	19 Q Okay. Who were they?	
20 did you meet her?		20 A I had a conversation with Lana Potts, Jerry	
21 A	Same location.	21 Harville. And I believe that was it. I was there a	
22 Q	Did you take handwritten notes or type	22 day or two back to back --	
23 notes?		23 Q Okay.	
24 A	Typed.	24 A -- at the sheet plant in the conference	
25 Q	Did you type them at the time?	25 room.	
	Page 47		Page 49
1 A	Yes.	1 Q Were these the first round of sort of	
2 Q	Okay. So based on these two conversations,	2 initial interviews that you conducted to figure out	
3 what did you do next?		3 what was going on based on the -- that e-mail?	
4 A	I spoke with Gary Pagels, because I was told	4 A Yes.	
5 that he wanted to speak to me.		5 Q All right. What did Ms. Potts have to say?	
6 Q	Gary who?	6 A What I recollect is she stated that she had	
7 A	Pagels.	7 witnessed Tommy kiss a subordinate. She discussed	
8 Q	Okay. Is he out at the sheet plant or	8 communication issues. And she gave me the name of	
9 fulfillment center?		9 Jerry Harville and Michael Kulakowski, and I don't	
10 A	Sheet.	10 remember who else.	
11 Q	All right. What did he have to say?	11 Q Okay. And did you type up your notes from	
12 A	He was frustrated with the performance of	12 her conversation?	
13 the facility and the direction and communication		13 A Yes.	
14 that the plant was currently at.		14 Q What did you do with the notes?	
15 Q	Okay. Anything else?	15 A As in?	
16 A	Not that I recall.	16 Q Did you e-mail them or were they a Word	
17 Q	Okay. And then what did you do?	17 document or --	
18 A	I don't remember exactly who I spoke with	18 A In an e-mail to have the date and time	
19 next.		19 stamp.	
20 Q	How long was your meeting with Helen, about?	20 Q Okay. Did you just e-mail them to yourself?	
21 A	Oh, I would say at least 30 minutes.	21 A Yes.	
22 Q	What about with Gary?	22 Q Okay. And about how long did the meeting	
23 A	I would say about the same, at least	23 with Lana last?	
24 30 minutes.		24 A At least 30 minutes.	
25 Q	And you didn't record any of these meetings,	25 Q Okay. Anything else you can recall about	

	<p style="text-align: right;">Page 50</p> <p>1 that meeting?</p> <p>2 A No.</p> <p>3 Q Do you recall any specifics about 4 communication issues, what she was talking about, 5 communication issues?</p> <p>6 A I don't remember.</p> <p>7 Q When she gave you the name of Jerry and 8 Michael Kulakowski, do you recall any specifics as 9 to why she told you you should talk to them?</p> <p>10 A I don't remember specifically what she said.</p> <p>11 Q Or generally why she thought you should talk 12 to them?</p> <p>13 A I don't remember her specific words, but it 14 was to the effect of the reason I needed to speak to 15 them was because of behavior issues with Tommy 16 Whited toward them.</p> <p>17 Q And Lana Potts, had she turned in her notice 18 at that time, or was she --</p> <p>19 A No.</p> <p>20 Q She was still working there?</p> <p>21 A Yes.</p> <p>22 Q Did she indicate whether or not she was 23 concerned about her job if she talked to you?</p> <p>24 A No.</p> <p>25 Q Okay. What about Jerry Harville? Tell me</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Do you recall if he said that it happened to 2 other people?</p> <p>3 A Yes.</p> <p>4 Q What did he say about that?</p> <p>5 A He gave me -- he told me to speak with 6 Michael Kulakowski, and I don't remember if anyone 7 else.</p> <p>8 Q Okay. Other than telling you to speak with 9 Michael Kulakowski because the same thing had 10 happened to him --</p> <p>11 MS. DOHNER SMITH: Objection.</p> <p>12 BY MS. COLLINS:</p> <p>13 Q -- anything specific that you can recall 14 about why he thought you needed to talk to Michael 15 Kulakowski?</p> <p>16 A I can't remember his exact words.</p> <p>17 Q Okay. All right. And after you met with 18 these people, Ms. Potts, Mr. Harville, Gary, Helen, 19 and Johanna, what did you do after that?</p> <p>20 A I don't remember the exact timeline. I 21 would have called in a report to my boss, and I know 22 that I came back to the facility, because the best I 23 recall, this was maybe at the end of the week, and I 24 came back maybe that following Monday and/or 25 Tuesday. I don't know the exact dates. So I spoke</p>
	<p style="text-align: right;">Page 51</p> <p>1 about your conversation with him.</p> <p>2 A Jerry discussed his work comp injury. He 3 told me that he had been hit by Tommy Whited in the 4 groin area, and that he hit Tommy back. And I don't 5 remember all of the specifics of his exact 6 statement.</p> <p>7 Q Did he -- did he say that he had only been 8 hit once by Tommy Whited or did he say it had 9 happened multiple times?</p> <p>10 A I don't recall.</p> <p>11 Q When he said he hit Tommy Whited back, was 12 that because he had been hit first?</p> <p>13 A Yes.</p> <p>14 Q Did he say anything to the effect like he 15 was defending himself?</p> <p>16 A He told me it was a reflex. I remember 17 that.</p> <p>18 Q Okay. Other than being -- him telling you 19 he'd been hit in the groin area, had he been hit or 20 kicked -- had he indicated he had been hit or kicked 21 by Tommy Whited?</p> <p>22 A I don't remember.</p> <p>23 Q Had he told you it had happened more than 24 once?</p> <p>25 A I don't remember.</p>	<p style="text-align: right;">Page 53</p> <p>1 to other people.</p> <p>2 Q Okay.</p> <p>3 A I specifically remember calling Kuli, 4 because he was on vacation.</p> <p>5 Q And when you say Kuli, just for the 6 record --</p> <p>7 A Michael Kulakowski.</p> <p>8 Q Right. It's just for the record. Everybody 9 else calls him Kuli, too.</p> <p>10 Before we get into this, let's take a quick 11 break.</p> <p>12 (Recess observed.)</p> <p>13 BY MS. COLLINS:</p> <p>14 Q Now, Ms. Henley, were you aware that another 15 complaint had been made about Tommy Whited sexually 16 harassing an employee in 2013?</p> <p>17 A No.</p> <p>18 Q Okay. I'll ask you about this specifically.</p> <p>19 MS. COLLINS: Let's mark this next 20 document as Exhibit Number 15.</p> <p>21 (Marked Exhibit No. 15.)</p> <p>22 BY MS. COLLINS:</p> <p>23 Q Just let me know when you've had a chance to 24 review this.</p> <p>25 A (Reviewing document.) Okay.</p>

	Page 54		Page 56
1 Q	Have you ever seen this document before?	1 investigated this would that have record.	
2 A	No.	2 Q	But you don't know anything about this
3 Q	Okay. When you're investigating a complaint	3 complaint in 2013 --	
4 about an employee, do you go in their employee file		4 A	I do not.
5 and see if they've had complaints made against them		5 Q	-- against Mr. Whited?
6 in the past?		6	So is it fair to say that you didn't take
7 A	Would you re-ask the question?	7 this into consideration when you conducted your	
8 Q	Sure. When you're investigating an employee	8 investigation in 2016?	
9 for a violation of company policies, whether it's		9 A	I did not.
10 your ethics policies or sexual harassment policy, do		10 Q	Do you think it would have been helpful to
11 you go back and review that employee's personnel		11 know that he had had prior complaints of sexual	
12 file to see if they've had other complaints made		12 harassment made against him?	
13 against them in the past?		13 A	No.
14 A	Not necessarily.	14	MS. DOHNER SMITH: I'm going to say
15 Q	Why not?	15	it's been marked as 15. Is that for identification
16 A	It would depend on the complaint and the	16	since she couldn't authenticate it? I'll make that
17 allegation.		17	objection and we can move on.
18 Q	Well, if the complaint and the allegation	18	MS. COLLINS: I'll mark the next
19 was about a violation of your ethics or code of		19	document as Exhibit 16.
20 conduct or sexual harassment policy, would you go		20	(Marked Exhibit No. 16.)
21 back and look at that employee's personnel file to		21	BY MS. COLLINS:
22 determine if other complaints like that had been		22	Okay. This document that's been marked as
23 made in the past?		23	Exhibit 16, have you seen this before?
24 A	Me specifically? Yes.	24	A Yes.
25 Q	Okay. When complaints were made against	25	Q Okay. In the investigation summary that's
	Page 55		Page 57
1	Tommy Whited and you found out that he'd been	1 attached to this, is this -- it says that it's	
2 kicking employees, did you go back and review his		2 updated 8/16/2016. Is this the document that was	
3 personnel file?		3 attached to your e-mail from August 17th?	
4 A	I did not.	4 A	I mean, I don't remember if this is the
5 Q	All right. Do you know if your boss,	5 exact document that was attached without looking at	
6 Melinda, did?		6 the e-mail itself.	
7 A	I don't know if she did. I can't answer	7 Q	Do you think it probably would have been?
8 that.		8 A	I can only assume.
9 Q	Would you have access to his personnel file	9 Q	Okay. And the statement from Lana Potts
10 if you needed it?		10	that's on the last page of this document at WestRock
11 A	Yes.	11	223, is that the statement she gave you?
12 Q	Where are those files kept?	12 A	Yes.
13 A	At the sheet plant.	13 Q	Did you ask her to write out this statement?
14 Q	Okay. And if -- where in the sheet plant?	14 A	I don't recall.
15 A	In a filing cabinet.	15 Q	Okay. But this wasn't all you talked about
16 Q	Okay. If an employee had had a prior Global	16	with her?
17 Compliance complaint made against them, where would		17 A	It is not. It's not.
18 this be kept?		18 Q	Okay. And going back to your -- the
19 A	It most likely would have been kept with	19	investigation summary, did you type up this
20 legal.		20	investigation summary?
21 Q	Okay. If an employee had had a prior	21 A	Yes.
22 complaint of sexual harassment, would that prior		22 Q	And it looks like at the top the initial
23 complaint of sexual harassment be kept in their		23	allegation was inappropriate relationship with
24 personnel file or just with legal?		24	direct report, right?
25 A	With legal and the previous owner. Whoever	25 A	That was -- yes, that was an allegation.

	Page 58		Page 60
1 Q	And that related to Susan Hart?	1 breasts propped up on her desk with Tommy's face	
2 A	Yes.	2 approximately two inches away from them.	
3 Q	And then there was also a violation of the	3 Do you recall who witness 4 is?	
4 company code of conduct with respect to conflict of	4 I don't.	5 And some of these are lumped together, so	
5 interest, company accounting and reporting, privacy,	6 I'm not going to go through those, because it's kind	6 of hard to tell who did what. But all of these	
6 respect, guidance in reporting. Right?	7 witness statements you typed in here, right?	8 witness statements you typed in here, right?	
7 A	Yes.	9 A Yes.	
8 Q	And what was that about?	10 Q All right. And these were based on your	
9 A	The allegations that Tommy was paying	11 notes after you talked with them, correct?	
10 someone when they were not physically working, and	12 A Yes.	13 Q Witness 7, if you could turn to the next	
11 that he was using his son's company's employees as	14 page. Do you recall who that was who would have	15 told you that?	
12 temp labor in the facility and paying them to do	16 A Larry Eden.	17 Q All right. Witness 1 you said was Lana.	
13 work for the plant, construction work for the plant.	18 Witness 9, do you recall who -- there are two	19 statements from witness -- there's three statements	
14 Q Okay. And you also have -- is that your	20 from witness 9 on Page 220.	21 A (Reviewing document.)	
15 handwriting on this document?	22 I can't say with certainty.	23 Q Who do you think it is?	
16 A That is not my handwriting.	24 A Keith Hall.	25 Q You think witness 9 was Keith?	
17 Q Okay. So where it says, "3, horseplay, 4,			
18 paying five weeks," that is not your handwriting?			
19 A That is not my handwriting.			
20 Q Okay. But did you type up this document?			
21 A Yes.			
22 Q All right. And under "Related policies/			
23 procedures," it has code of conduct and harassment,			
24 looks like highlighted.			
25 A It appears to be, yes.			
	Page 59		Page 61
1 Q	Did you highlight those two sections?	1 A I think witness 9 was Keith Hall.	
2 A	I don't remember.	2 Q So he's observed Susan accessing his e-mail	
3 Q	Okay. And down in the "Case Facts," did you	3 for Mr. Whited, and he had said many times, you can	
4 type up that section?	4 leave now if you don't like how I run things, or it	5 is my way or else. And was asked to help identify	
5 A	Yes.	6 which employees made undesirable comments on the	
6 Q	And who was -- do you recall who witness 1	7 employee engagement survey, on more than one	
7 was?	8 occasion.	9 A Yes.	
8 A	I do not.	10 Q Okay. Now, witness 4 stated that Tommy has	
9 Q	Do you have a list somewhere that	11 called him a stupid son of a bitch, among other	
10 corresponds to who witness 1, 2, 3, 4, so on, were?	12 things. Was that Mr. Kulakowski? And I'm in part	13 basing that -- or no. Maybe it was -- I don't know	
11 A	Yes.	14 who it was.	
12 Q	Okay. Where would that list be kept?	15 A Yes. If I look at this one, witness 4 on	
13 A	With the files.	16 this 221 page.	
14 Q	Okay. Do you recall who witness -- well,	17 Q Okay.	
15 based on what it says about witness 1, does that	18 A Yes, witness 4, Michael Kulakowski.		
16 refresh your recollection as to who it could be?	19 Q Or was witness -- it's got Kuli beside		
17 A	Yes. That would be Lana Potts.	20 witness 3.	
18 Q	Okay. And witness 2, if you could read that	21 A I don't know whose handwriting that is.	
19 and see if it refreshes your recollection as to who	22 Q Okay. But you think witness 4 was		
20 witness 2 is.	23 Kulakowski?		
21 A	(Reviewing document.)	24 A Yes, I think witness 4 is Michael	
22 I don't recall.		25 Kulakowski.	
23 Q	Okay. Do you think that one was Helen?		
24 A	I don't know.		
25 Q	Okay. And witness 4 observed Susan with her		

	Page 62		Page 64
1 Q	So would witness 3 be Jerry Harville?	1 A	The best I recall. I really don't remember
2 A	I believe witness 3 is Jerry Harville.	2 who all was involved. I just don't remember.	
3 Q	Okay.	3 Q	Okay. Do you recall if you received any
4 A	Yes. Jerry Harville, witness 3.	4 e-mails about -- that security was going to be	
5 Q	And I guess -- you said Eden was 7.	5 posted out at the plant or any new procedures or	
6	And the notes that you have written on here,	6 anything like that?	
7	these were the notes that you'd obtained as of	7 A	I don't remember.
8	8/16/2016. Is that fair to say?	8 Q	Have you experienced that before, where
9 A	Yes.	9 y'all have had to terminate an employee and post	
10 Q	And these were based on notes that you had	10 security at a plant?	
11 taken from talking to these people?		11 A	Yes.
12 A	Yes.	12 Q	What other times have y'all done that?
13 Q	And after getting this report, at any point	13 A	We have done it one other time in Gallatin.
14 in time -- before Mr. Whited's termination, at any		14 Q	Who was the employee that y'all had
15 point in time, did y'all put him on suspension while		15 terminated?	
16 you were investigating these things or place him out		16 A	J.R. Sanders.
17 of the workplace?		17 Q	Why did y'all do it when J.R. Sanders was
18 A	I don't recall.	18 terminated?	
19 Q	Well, that should be documented somewhere if	19 A	Because of the allegations.
20 y'all had suspended him pending investigation,		20 Q	What was the allegation?
21 right?		21 A	I don't recall specifically other than it
22 A	Yes. I don't recall.	22 obviously had something to do with -- it was	
23 Q	You just don't recall if he was suspended	23 violence.	
24 pending --		24 Q	Okay. So, he had either committed violence
25 A	I don't recall, correct.	25 or engaged in threats of violence?	
	Page 63		Page 65
1 Q	And while you're investigating, employees	1 A	I don't know. Keith Hall and Al Hasbrouck,
2 indicated they were fearful of Mr. Whited, right?		2 the plant manager and general manager, had concerns.	
3 A	Yes.	3 I don't remember his specific termination reason,	
4 Q	What were they fearful of, that you can	4 but they had concerns.	
5 recall?		5 Q	Okay. Do y'all have a particular custom or
6 A	Being terminated, I recall that. And one	6 policy that y'all would follow when you decide that	
7 indicated he thought he might get him.		7 you need to post security out at a facility after	
8 Q	Was that Mr. Kulakowski?	8 the termination of an employee?	
9 A	Yes.	9 A	I don't understand the question.
10 Q	So, he was afraid of some sort of physical	10 Q	Well, do y'all have a specific policy in
11 violence or harm?		11 place that if certain types of allegations have been	
12 A	Yes. He made mention.	12 made, we're going to post security or anything like	
13 Q	After you terminated -- after y'all had made	13 that? Or is it just a case-by-case basis?	
14 the decision to terminate Mr. Whited, is that why		14 A	There may be something in our safety policy,
15 y'all brought security out to the plant?		15 but I don't -- I don't recall at this time.	
16 A	We did bring security, yes.	16 Q	Okay. Would you say that it's more an
17 Q	Why did you do that?	17 unusual thing for y'all to post security out at a	
18 A	I wasn't on that call.	18 facility after an employee's termination?	
19 Q	Okay. How long was security posted out at	19 A	I wouldn't consider it unusual, no.
20 the plant?		20 Q	So y'all do that frequently?
21 A	I don't remember.	21 A	I didn't say that. I just don't feel that
22 Q	Who would know about that?	22 it's unusual.	
23 A	Melinda McGraw.	23 Q	Why do you not feel it's unusual?
24 Q	As far as you know, she was the one involved	24 A	Because in this day and time, if we need to,
25 in that decision?		25 we will. But I don't think it's unusual.	

1 Q Well, you've only had it happen twice. 2 A That I can recall. 3 Q That you can recall, okay. 4 A And that's just the facilities that I am 5 responsible for. 6 Q Sure. 7 A I remembered another time. 8 Q Okay. You said you remembered another time. 9 Tell me about that. 10 A At Chattanooga, we had security come out. 11 Q Okay. What was the context of that 12 situation? 13 A It was a termination of an employee. 14 Q Were they -- was it a violent -- concerns 15 about violence with them, too? 16 MS. DOHNER SMITH: Objection. 17 THE WITNESS: I don't recall, but I 18 remember we did have security at that facility at 19 one time on a termination. 20 BY MS. COLLINS: 21 Q Was it -- do you recall if it was a 22 high-level employee? 23 A No. I recall that it was an hourly 24 employee. 25 Q Okay. And J.R. Sanders, he was an hourly	Page 66 1 (Marked Exhibit No. 17.) 2 BY MS. COLLINS: 3 Q Do you recognize this document? 4 A Yes. 5 Q Who was this that you had talked to? "I 6 just got off the phone with J.C." 7 A J.C. Cox. 8 Q Okay. And this e-mail that you sent on 9 August 18th, that was the day that you talked with 10 Mr. Cox? 11 A Yes. 12 Q Is this the only time that you talked with 13 Mr. Cox with respect to the Whited investigation? 14 A Yes. 15 Q Now, you noted in this e-mail -- first, were 16 these the only notes that you created from this 17 conversation? 18 A I don't recall. 19 Q Okay. If you had created other notes, would 20 you have put them in your file? 21 A Yes. 22 Q Okay. And he mentioned -- or you recorded 23 in this e-mail that he had said he has seen 24 horseplay, but nothing that would be considered 25 inappropriate.
Page 67 1 employee as well, right? 2 A Yes. 3 Q So it's not something y'all just do if it's 4 a general manager, right? 5 MS. DOHNER SMITH: Objection. 6 THE WITNESS: Rephrase. Or please 7 re-ask the question. 8 BY MS. COLLINS: 9 Q Having security brought out to a plant after 10 a termination, that's not something y'all do as a 11 matter of course or just because you've let go a 12 plant manager, right, or general manager? 13 A Correct. 14 Q It depends on the situation. 15 A Yes. 16 Q Okay. Or I guess I should say, it depends 17 on the employee and the context of that situation. 18 A Not necessarily the employee. The 19 situation. 20 Q Right. What happened with that employee, 21 right? 22 A Yes. 23 Q Okay. 24 MS. COLLINS: Let's mark the next 25 document as Exhibit 17.	Page 68 1 Do you recall any specifics as to what sort 2 of horseplay he had seen? 3 A I don't recall. 4 Q Did you ask him who had engaged in 5 horseplay? 6 A I don't recall. 7 Q Would there be anything else you could look 8 at to help refresh your recollection as to what you 9 talked about with J.C. Cox? 10 A Maybe. 11 Q What? 12 A The investigation notes. 13 Q The ones we just went through? Well, the 14 ones that came after this? 15 A Yes. 16 Q Okay. All right. And when you have the 17 initials in this report, "he has no proof nor seen 18 anything between S.H. and T.W...." is that Susan 19 Hart and Tommy Whited? 20 A Yes. 21 Q And at the bottom of this e-mail from 22 August 18, 2016, Ms. McGraw says, "I think you may 23 have to bite the bullet and go investigate because 24 who knows if they'll call you back." 25 So, up to this point, had you just made

Page 70	Page 72
1 phone calls about -- with employees about what was 2 going on or had you -- 3 A No. 4 Q Okay. You'd gone out to the plant? 5 A Yes. 6 Q And was it to talk with the people we've 7 already talked about, Lana Potts and Jerry Harville 8 and those six? 9 A Repeat the question. 10 Q Before August 18th, had you already gone 11 out and talked -- had you already gone out to the 12 plant and met with some of the employees? 13 A Yes. 14 Q Okay. 15 MS. COLLINS: All right. Let's mark 16 the next document as Exhibit 18. 17 (Marked Exhibit No. 18.) 18 BY MS. COLLINS: 19 Q Are these your other notes that you 20 mentioned a minute ago? 21 A These are additional notes, yes. 22 Q Okay. And did you create these notes as you 23 were talking to the people or after you talked to 24 the people? 25 A I don't recall.	1 BY MS. COLLINS: 2 Q Do you know if you would have provided him 3 examples of what you meant by horseplay? 4 A It's possible. 5 Q But you just don't know? 6 A I don't recall. 7 Q All right. Did you record any of these 8 conversations, audio record them? 9 A No. 10 Q And then it says, "When asked did you 11 witness horseplay that resulted in an employee 12 ending up on the ground, he said no..." 13 Was that -- did you give him any specifics 14 about that or did you just say exactly what you have 15 recorded there? 16 A I would have asked exactly what is right 17 there. 18 Q Okay. All right. August 18th, was that 19 the day that you spoke with Terry Stafford? 20 A Yes. 21 Q About how long was your conversation with 22 Terry Stafford? 23 A His would have -- brief. Maybe 10, 15 24 minutes max. 25 Q Doesn't look like he had a lot to say other
Page 71	Page 73
1 Q All right. The -- for each name, you have a 2 date that looks like it was longer ago. Is that 3 when they started working for WestRock or RockTenn? 4 Like by Donnie Taylor, it says 8/8/94. 5 A I can only assume. That appears to be their 6 hire date. 7 Q But these are your notes, right? 8 A These are my notes. 9 Q And you created this document, right? 10 A Yes. 11 Q So, when you talked with J.C. Cox, you said, 12 "When asked about inappropriate horseplay, he said 13 they cut up but nothing physical." 14 Did you get any specifics from him by what 15 he meant by horseplay or how they cut up? 16 A Repeat the question, please. 17 (The requested question was read back 18 by the court reporter as follows: 19 "Question: So, when you talked with 20 J.C. Cox, you said, 'When asked about inappropriate 21 horseplay, he said they cut up but nothing 22 physical.' 23 Did you get any specifics from him by 24 what he meant by horseplay or how they cut up?" 25 THE WITNESS: I don't recall.	1 than now. Is that fair to say? 2 A That's fair to say. 3 Q Did it seem like he didn't want to get 4 involved? 5 A I don't know. 6 Q Okay. Did you ask him specifically if he'd 7 witnessed Tommy Whited kicking Michael Kulakowski in 8 the groin? 9 A I did not use Kulakowski's name. 10 Q Did you ask him specifically if he had seen 11 Tommy Whited kick another employee in the groin? 12 A No. 13 Q Okay. And Donnie Taylor, when you met with 14 him, about how long did you talk with him? 15 A I believe this phone conversation was 16 possibly 30 minutes. 17 Q Okay. Were all three of these phone 18 conversations? 19 A Yes. 20 Q And he said that he had witnessed 21 inappropriate behavior in the form of Tommy kicking 22 W4, an employee, W4. And that would be Michael 23 Kulakowski, right? Or was W4 Jerry Harville? 24 MS. DOHNER SMITH: I think W4 was 25 Mr. Kulakowski.

Page 74	Page 76
1 BY MS. COLLINS:	1 right?
2 Q Yeah. W4 was Kulakowski, right?	2 A At that time, yes.
3 A Yes.	3 Q And her boss at that time was?
4 Q So he specifically identified Michael	4 A Joy Jones.
5 Kulakowski?	5 Q And who would legal have been?
6 A Yes.	6 A Stacey Moulton.
7 Q All right. And he also stated that he had	7 Q Is Ms. Moulton no longer with the company?
8 witnessed the kicking in the groin area on more than	8 A Correct.
9 one occasion?	9 Q And on the last page of the document, the
10 A Yes.	10 Summary of Findings/Conclusion, were these all the
11 Q That's a violation of WestRock policy,	11 policies that he had violated?
12 right, the kicking in the groin?	12 A Conflict of interest was not confirmed.
13 A Yes.	13 Q Okay. But the others were?
14 Q Did you talk with him again after this phone	14 A Yes.
15 conversation? Did you meet with him?	15 Q Okay. And where it says, Workplace
16 A Yes.	16 Violence/Horseplay, was that with respect to him
17 Q Out at the sheet plant?	17 kicking and hitting other male employees in the
18 A No.	18 groin?
19 Q Where did you meet with him?	19 A Yes.
20 A Fulfillment.	20 Q Why wasn't that a violation of -- why didn't
21 Q Okay. Was that before Mr. Whited was fired?	21 y'all note that as a violation of the sexual
22 A Yes.	22 harassment policy?
23 Q Other than Lana Potts, do you recall if you	23 MS. DOHNER SMITH: Objection.
24 got a signed or written statement from any of these	24 THE WITNESS: I don't know.
25 other employees?	25
Page 75	Page 77
1 A I don't recall, no.	1 BY MS. COLLINS:
2 Q Okay. And you didn't have any handwritten	2 Q Who made the decision to put that Workplace
3 notes that you base this off of, did you?	3 Violence/Horseplay?
4 A I don't recall.	4 A That note?
5 Q Okay.	5 Q Yes.
6 MS. COLLINS: Let's mark the next	6 A That's my note. I put that in there.
7 document as Exhibit 19.	7 Q Okay. And that was confirmed, that he had
8 (Marked Exhibit No. 19.)	8 violated that policy, right?
9 BY MS. COLLINS:	9 A Yes.
10 Q Have you seen this document before?	10 Q And what would be your definition, or what
11 A Yes.	11 did you consider horseplay to be?
12 Q Okay. And was this the final investigation	12 A My definition of horseplay?
13 summary report that you did?	13 Q Yeah. When you listed Workplace
14 A It appears to be.	14 Violence/Horseplay, what did you consider to be
15 Q And so this one would have incorporated	15 horseplay?
16 additional information that you had obtained since	16 A Goofing off.
17 you did the initial draft, right?	17 Q What does that consist of?
18 A Yes.	18 A Could consist of a lot of things, I guess.
19 Q Who did you send this report to?	19 Q Well, with respect to what you wrote here,
20 A I don't remember.	20 Workplace Violence/Horseplay, what horseplay?
21 Q Who would you typically send a report like	21 A Punching in the shoulder or, you know,
22 this to?	22 there's lots of things that horseplay could be.
23 A It could have been my boss. It could have	23 Q I'm talking about specifically what you
24 been her boss. It could have been legal.	24 reference here that was a confirmed violation of
25 Q Okay. And your boss is Melinda McGraw,	25 company policy, and you have horseplay specifically

	<p style="text-align: right;">Page 78</p> <p>1 listed. 2 So specifically with respect to Tommy 3 Whited, what horseplay constituted a policy 4 violation? What conduct did he engage in that 5 constituted horseplay? 6 A Kicking an employee out of their chair 7 constitutes horseplay. Private areas, knocking a 8 bump cap off an employee's head. 9 Q When you said private areas, what do you 10 mean? 11 A The groin area. 12 Q Okay. What else? 13 A That's all I recall from this. 14 Q Okay. 15 MS. COLLINS: Let's mark the next 16 document as Exhibit 20. 17 (Marked Exhibit No. 20.) 18 BY MS. COLLINS: 19 Q Have you seen this document before? 20 A Yes. 21 Q Is that your company e-mail address? 22 A Yes. 23 Q Okay. So, it looks like on August 26, you 24 told Ms. McGraw that -- you said you added kicked. 25 What did you add kicked to?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q These are notes from your conversation with 2 him? 3 A These are notes on a conversation where 4 Melinda McGraw and Tom Pedine were present. 5 Q Did you talk with him or did they primarily 6 talk to him? 7 A I don't remember, but we were all three 8 together in the same room. 9 Q Where were y'all? 10 A Fulfillment. 11 Q Did you take any other notes besides these? 12 When you were meeting with Michael Kulakowski on 13 August 26 at 3:10 p.m.? 14 A No. These would be the notes that I took. 15 Q Did you take any handwritten notes? 16 A No. 17 Q Did Mr. Pedine or Melinda McGraw take any 18 notes? 19 A I don't remember. 20 Q So these are all the -- everything that you 21 recorded here were things that Mr. Kulakowski said 22 during the meeting, right? 23 A Yes. 24 Q Do you recall Mr. Pedine asking him why 25 didn't he just quit if it was that bad, or something</p>
	<p style="text-align: right;">Page 79</p> <p>1 A The list of questions she was going to ask 2 Tommy. 3 Q Okay. Were you present when she met with 4 him to question him? 5 A Yes. 6 Q Who else was present? 7 A Tom Pedine. 8 Q So, on Friday, August 26, was that the date 9 that you met with Tommy Whited? 10 A Yes. 11 Q Okay. 12 MS. COLLINS: Let's mark the next one 13 as Exhibit 21. 14 (Marked Exhibit No. 21.) 15 BY MS. COLLINS: 16 Q Have you seen this document before that's 17 been marked as Exhibit Number 21? 18 A Yes. 19 Q And are these notes that you created? 20 A Yes. 21 Q Let's start at the top. On August 26, 2016, 22 it says "M.K." Is that Michael Kulakowski? 23 A Yes. 24 Q And did you meet with him at 3:10 p.m.? 25 A Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 to that effect? 2 A Something to that effect, yes. 3 Q Tell me what you recall. 4 A I don't recall the exact words, but 5 something of the nature of if it was this bad, you 6 know, why would you not have quit? And again, I 7 don't recall -- that's not verbatim. 8 Q Sure. Do you recall Mr. Kulakowski's 9 response? 10 A Only if it's in this. 11 (Reviewing document.) 12 It doesn't appear. 13 Q That you recorded his response, 14 Mr. Kulakowski's response? 15 A Not at first glance. 16 Q Okay. And you didn't record that Mr. Pedine 17 asked him that question, right? You just recall 18 that he did ask him something to that effect? 19 A Correct. 20 Q Okay. Do you think that was an appropriate 21 thing to be asked? 22 MS. DOHNER SMITH: Objection. 23 THE WITNESS: No. 24 BY MS. COLLINS: 25 Q Okay. Why not?</p>

	Page 82		Page 84	
1 A	Well, I can't speak for Tom, but he was asking -- he was trying to figure out what was going on with Kulakowski and his thought process. But I can't speak for Tom.	1 more about that?		
2 Q	You would agree with me that an employee who is being harassed or kicked by their boss shouldn't have to quit to get away from it, right?	2 A	I don't recall.	
3 A	I agree.	3 Q	But did you get the impression from	
4 Q	Okay. And you also have that -- going down the page, you have Donnie Taylor at 4:10 p.m.	4 Mr. Taylor that it wasn't funny, what Mr. Whited was	5 doing to these people, when he would hit them and	
5 A	Yes.	6 kick them?	7 A	Yes.
6 Q	So was that when y'all -- did all three of y'all meet and talk with Donnie Taylor as well, or just you?	8 Q	And he also, Mr. Taylor also said that -- if 9 you go to the next page, 233, that he had also been	
7 A	I believe the three of us were in the room. Someone could have left. I don't recall specifically. But it was the same day.	10 slapped in the head.	11 A	Yes.
8 Q	Now, did you find Mr. Taylor to be credible?	12 Q	And it says, "He slapped T.W. in leg," and 13 "slapped him in nuts."	
9 A	Yes.	14 Does that mean that Tommy Whited had also	15 hit him in the testicles?	
10 Q	Did you find Mr. Kulakowski to be credible when y'all met with him?	16 A	Repeat the question, please.	
11 A	Yes.	17 Q	Had he also complained that Tommy Whited had	
12 Q	And did you record -- is this the general substance of the things that Mr. Taylor told you on	18 hit him in the testicles?	19 A	Yes.
13 A	that day?	20 Q	Is he still working there?	
14 Q	Yes.	21 A	Donnie?	
15 Q	And did you record -- is this the general substance of the things that Mr. Taylor told you on	22 Q	Yes, Donnie.	
16 A	that day?	23 A	Yes.	
17 Q	Yes.	24 MS. COLLINS: The next document, let's	25 mark this as Exhibit 22.	
	Page 83		Page 85	
1 A	Yes.	1	(Marked Exhibit No. 22.)	
2 Q	And this was also on August 26th, correct?	2	BY MS. COLLINS:	
3 A	Yes.	3 Q	Okay. Do you recognize this document?	
4 Q	And this was an in-person meeting, right?	4 A	Yes.	
5 A	Yes.	5 Q	Did you create this document?	
6 Q	And he had verified that he had seen Mr. Kulakowski get slapped on the back of the head, slapped in the nuts, kicked in the nuts, right?	6 A	Yes.	
7 A	Yes.	7 Q	Did you have any help creating this or were	
8 Q	And he also said that he'd never heard Mr. Whited apologize to Mr. Kulakowski for doing those things, right?	8 these just contemporaneous notes you made during	9 your meeting with Tommy Whited?	
9 A	Correct.	10 A	I'm not sure I understand.	
10 Q	Okay. And he also stated that "I have heard Tommy say, I ought to just fire him," referring to Michael Kulakowski, and he "puts a lot of pressure and jobs on Kuli."	11 Q	Are these the notes that you took at the time that you met with Tommy Whited?	
11 A	Yes.	12 A	Yes.	
12 Q	Was there anything else about that that you can recall him saying?	13 Q	Was Mr. Pedine and your supervisor, Melinda McGraw, also present?	
13 A	I don't recall.	14 A	Yes.	
14 Q	And he said that he messes with a lot of people, but further on down the line he is serious and isn't horseplay anymore.	15 Q	And this meeting, did it take place at the fulfillment center?	
15 A	What did that mean? Or did y'all ask him	16 A	Yes.	
16 Q	Okay. So it looks like there's questions and then you recorded answers that he gave, right?	17 Q	Did you record this meeting with an audio?	
17 A	Yes.	18 A	No.	
18 Q	If you could turn to the second page,	19 Q		
19 A		20 Q		
20 Q		21 A		
21 A		22 Q		
22 Q		23 Q		
23 A		24 A		
24 Q		25 Q		

1 Page 235 down at the bottom, did you ask the 2 questions or did one of the others ask the 3 questions? 4 A I did not ask the questions. 5 Q Who asked the questions? 6 A Melinda McGraw. 7 Q It looks like Ms. McGraw asked him, "Have 8 you participated in horseplay with an employee?" 9 A Yes. 10 Q And he said, "I have not participated in 11 horseplay under the definition that I gave." 12 What does that mean? Did she define 13 horseplay for him? 14 A I don't recall that she did that. 15 Q What does that mean, "I have not participated 16 in horseplay under the definition that I gave"? 17 A I don't know. 18 Q The question was also, "Have you ever hit or 19 grabbed an employee," and he admitted that he had 20 but that -- it looks like he just smacked people on 21 the backs or on the shoulder? 22 A On the shoulder, yes. 23 Q Do you recall if y'all specifically asked 24 him if he had hit people in the groin? 25 A I don't recall.	Page 86 1 BY MS. COLLINS: 2 Q What does this mean? 3 A He gave an answer. 4 Q "The action of going to do it, but they 5 don't do it, so they act like it, walking up to 6 someone and acting like it but not, and it is all 7 understood." 8 What does that mean? 9 A I remember him saying, acting like they were 10 going to do something to someone, but not physically 11 touching someone. 12 Q Okay. So he did not admit to hitting other 13 employees in the groin? 14 A He did not. 15 Q And he didn't recall hitting a hat off of 16 another employee? 17 A Not that he recalls. 18 Q And he denied kicking a chair out from under 19 an employee, right? 20 A He denied kicking the chair out. 21 Q I think you said you didn't believe some of 22 his responses. Is that right? 23 MS. DOHNER SMITH: Objection. 24 THE WITNESS: You asked if I found him 25 credible.	Page 88 1 BY MS. COLLINS: 2 Q What does this mean? 3 A He gave an answer. 4 Q "The action of going to do it, but they 5 don't do it, so they act like it, walking up to 6 someone and acting like it but not, and it is all 7 understood." 8 What does that mean? 9 A I remember him saying, acting like they were 10 going to do something to someone, but not physically 11 touching someone. 12 Q Okay. So he did not admit to hitting other 13 employees in the groin? 14 A He did not. 15 Q And he didn't recall hitting a hat off of 16 another employee? 17 A Not that he recalls. 18 Q And he denied kicking a chair out from under 19 an employee, right? 20 A He denied kicking the chair out. 21 Q I think you said you didn't believe some of 22 his responses. Is that right? 23 MS. DOHNER SMITH: Objection. 24 THE WITNESS: You asked if I found him 25 credible.
1 Q Okay. Actually, it's on the next page. 2 Y'all asked him if he had ever hit an employee with 3 a broom, and he didn't recall that, right? He 4 didn't recall hitting anybody with a broom? It 5 starts at the bottom of 235 and goes to the top of 6 236. 7 A Okay. Please repeat the question. 8 Q So y'all asked him if he had ever hit an 9 employee, it says in the ass with the broom, and he 10 denied recalling doing so, right? 11 A He doesn't recall. 12 Q Did you find him to be credible when y'all 13 interviewed him? Did you find him to be honest? 14 A In the investigation? 15 Q Yes, Mr. Whited. 16 A No. 17 Q Okay. And it looks like -- I just asked you 18 a second ago about the groin question. You 19 recorded, "How about in the groin/private area, have 20 you ever hit or kicked an employee there"?	Page 87 1 BY MS. COLLINS: 2 Q And you said no, correct? 3 A Yes. 4 Q And did you believe some of his responses? 5 A I don't remember. 6 Q Do you believe -- did you believe him when 7 he said he hadn't done some of those things? 8 A I don't remember specifically. 9 Q What about sitting here today? 10 A I don't understand. 11 Q Do you believe -- where he denied doing some 12 of these things, do you believe him? 13 A I do not -- I don't know if I believe. 14 Q Why not? 15 A Because it's what I could prove, not what I 16 believe. 17 Q Okay. Multiple other employees disputed the 18 testimony that -- or the statements that he gave, 19 right? 20 MS. DOHNER SMITH: Objection. 21 BY MS. COLLINS: 22 Q About hitting in the groin? 23 A Rephrase the question. 24 Q Multiple other employees disputed his 25 testimony about hitting in the groin, correct?	Page 89 1 BY MS. COLLINS: 2 Q And you said no, correct? 3 A Yes. 4 Q And did you believe some of his responses? 5 A I don't remember. 6 Q Do you believe -- did you believe him when 7 he said he hadn't done some of those things? 8 A I don't remember specifically. 9 Q What about sitting here today? 10 A I don't understand. 11 Q Do you believe -- where he denied doing some 12 of these things, do you believe him? 13 A I do not -- I don't know if I believe. 14 Q Why not? 15 A Because it's what I could prove, not what I 16 believe. 17 Q Okay. Multiple other employees disputed the 18 testimony that -- or the statements that he gave, 19 right? 20 MS. DOHNER SMITH: Objection. 21 BY MS. COLLINS: 22 Q About hitting in the groin? 23 A Rephrase the question. 24 Q Multiple other employees disputed his 25 testimony about hitting in the groin, correct?

	Page 90		Page 92
1	MS. DOHNER SMITH: Objection.	1	Myself, Melinda McGraw, Jeb Bell, and Tom
2	THE WITNESS: Yes.	2	Pedine.
3	BY MS. COLLINS:	3	Okay.
4	Q And it looks like y'all interviewed Susan	4	And Tommy Whited.
5	after that, right, on Page 237?	5	Okay. Who filled -- who typed up this
6	A Yes.	6	document? Did you type this up?
7	Q Do you know if y'all asked her if she had	7	I did not.
8	ever seen him, Tommy Whited, hit or kick employees	8	Okay. And it looks like "involuntary
9	in the groin? I didn't see it on here.	9	separation" was written on there. Whose initials
10	A I don't recall. It does not appear that	10	are those?
11	we --	11	Melinda McGraw.
12	(Overlapping speech.)	12	What did it say before that?
13	Q Did you find her to be credible?	13	I have no idea.
14	A I don't recall.	14	It looks like at the top the reason for
15	Q You don't recall if you thought that she was	15	separation, the quit box was initially checked, and
16	credible?	16	then the discharge box was checked and circled.
17	A I don't.	17	Do you know if he was initially offered the
18	MS. COLLINS: Let's mark the next	18	opportunity to resign?
19	document as Exhibit 23.	19	Yes.
20	(Marked Exhibit No. 23.)	20	Why was that?
21	BY MS. COLLINS:	21	I don't know.
22	Q Have you seen this document before?	22	Was he offered a separation package or a
23	A I believe so.	23	severance agreement?
24	Q Okay. And after -- well, before y'all	24	Not to my knowledge.
25	terminated Mr. Whited, it looks like he had	25	Did he decline to resign voluntarily?
	Page 91		Page 93
1	communicated to Mr. Pedine -- or Ms. McGraw that he	1	Per this document, it appears that way.
2	wanted to transfer Mr. Kulakowski.	2	Okay. Do you know why he was given that
3	A I don't remember the specifics, but yes, I	3	choice?
4	believe they had a conversation.	4	I do not.
5	Q Okay. And that was -- that attempt was	5	Were you involved in any discussions about
6	blocked, to transfer him to another -- to transfer	6	giving him the choice?
7	Mr. Kulakowski to another position, correct?	7	I was not.
8	A Correct, yes.	8	Who would be involved in that?
9	Q Why was that? Why did y'all block that	9	I can only assume Melinda McGraw, maybe Tom,
10	move?	10	maybe Jeb Bell. I don't know.
11	A I wasn't involved in that exact discussion	11	MS. COLLINS: Okay. Let's mark the
12	to recall exactly.	12	next one as Exhibit 25.
13	Q Did you have an understanding as to why they	13	(Marked Exhibit No. 25.)
14	blocked that?	14	BY MS. COLLINS:
15	A I don't remember.	15	Have you seen this document before?
16	MS. COLLINS: Let's mark the next	16	Yes.
17	document as Exhibit 24.	17	Okay. I'm going to start on the seventh
18	(Marked Exhibit No. 24.)	18	page, which is the earliest in time, the last page.
19	BY MS. COLLINS:	19	Was this the Speak Up! e-mail that you were talking
20	Q Have you seen this document before?	20	about --
21	A Yes, ma'am.	21	Yes.
22	Q Were you present the day Tommy Whited was	22	-- that started everything?
23	terminated?	23	Yes.
24	A Yes.	24	Okay. And if you could just -- we're going
25	Q Okay. Who all was present?	25	to go through them backwards to forwards.

	Page 94		Page 96
1 A	All right.	1 A	I don't recall. I would need to look at
2 Q	So, the first time you got this complaint, 2 notes.	3 Q	What notes would you need to look at?
3	is it fair to say you got it on August 11th, or do 4	4 A	One of the previous ones that we had, that
4	you think you got it before that?	5	had the -- there was one that had four people that I
5 A	I'm not sure.	6	talked to via phone.
6 Q	Okay. Now, if you could turn to the next 7 page, 201 down at the bottom, it looks like on	7 Q	Okay. It wasn't one of the ones we've
8	August 11th, you said you were going out there	8	already gone over?
9	tomorrow. And that was the Gallatin plant, right?	9 A	Yes.
10 A	Yes.	10 Q	It was one of the ones we've already gone
11 Q	And you said, "She didn't want to talk on 12 the phone, as it was not private, but she was loud	11 over?	
12	when she said, 'escaping from a toxic environment	12 A	Yes.
13	and had a better job opportunity..."	13 Q	Was it Exhibit Number 18 where you had
14	Was that Lana?	14	"Tommy Davis, not able to touch base with him"? Was
15	16 A	15 it him?	
16	No, ma'am.	16 A	I can't say with certainty, but based on
17 Q	Who was that?	17	this e-mail, I never spoke with him. He never
18 A	Johanna Crowder.	18	returned my call.
19 Q	Johanna, okay. And at this point, do you 20 recall if you had talked with any other employees,	19 Q	You never talked to Tommy Davis?
20	21 on August 11th, beside Johanna?	20 A	Not -- no, I did not.
21	22 A	21 Q	Okay. Who told you that Mike White is very
22	It appears -- no.	22	tight with Tommy?
23 Q	And then it looks like that later that 24 afternoon, Joy Jones said, you know, there was at	23 A	I don't remember.
24	25 least enough to let them know there was a problem.	24 Q	And on August 22nd, you state in this
		25	e-mail that "this employee stated that he has
	Page 95		Page 97
1	1 And then at that point did you proceed further with	1	witnessed inappropriate behavior/horseplay in the
2	2 the investigation?	2	form of Tommy kicking an employee (W4) in the groin,
3 A	Yes.	3	smacking the employee in the back of the head and
4 Q	And on August 19th, it looks like Melinda 5 McGraw wrote to Joy that you had spoken with two of	4	punching the employee in the arm/shoulder area. He
5	6 the four alleged witnesses, but neither had	5	can't recall the dates, but the most recent was a
6	7 substantiated Mike's statement.	6	few months ago. He stated he has witnessed the
7	8 What Mike are you referring to? Michael	7	kicking in the groin area on more than one
8	9 Kulakowski or Mike White or who?	8	occasion."
9	10 A	9	Do you recall -- do you know who that was?
10	Melinda wrote that. I can only assume she 11 meant Michael Kulakowski.	10	Does that help refresh your recollection?
11	12 Q	11 A	If I could see that.
12	Okay. And just skipping to the first page, 13 it looks like on August 22nd, you sent them an	12 Q	Sure. Exhibit 18.
13	14 e-mail saying you just got off the phone with the	13 A	Donnie Taylor.
14	15 third employee.	14 Q	Okay.
15	16 Who was that?	15	MS. COLLINS: Let's mark the next one
16	17 A	16	as Exhibit 26.
17	I don't know.	17	(Marked Exhibit No. 26.)
18 Q	Was that Jerry Harville?	18	BY MS. COLLINS:
19 A	No. I talked to Jerry Harville in person.	19 Q	Do you recognize this document?
20 Q	Okay. And you also noted that "it may be 21 that he is unwilling to call me due to being related	20 A	Uh-huh.
21	22 to the facility manager, Mike White, as Mike is very	21 Q	Are these some more of your notes and
22	23 tight with Tommy."	22	e-mails you sent about the Whited investigation?
23	24 When you were saying I've still not been 25 able to touch base with the fourth, who was that?	23 A	Yes.
24	24 Q	24	And on August 17th, you had talked -- had
25	25 you talked with Michael Kulakowski that day?		

Page 98	Page 100
1 A Yes.	1 record.
2 Q Was this the day that you talked with him on	2 We just fixed Exhibits 26 and 27. So
3 the phone?	3 now Exhibit 26, it's Bates range 207 and 206. And
4 A I don't know for sure.	4 then Exhibit Number 27 is Bates range 208 to 214.
5 Q Okay. Now, on the next page, Page 207,	5 BY MS. COLLINS:
6 there's an e-mail from Joy Jones to Melinda McGraw,	6 Q All right. Ms. Henley, now, we've gone
7 and it asks, "Do you know the names of the employees	7 through the first page that's labeled page --
8 referenced below?"	8 WestRock 208. These are your notes from
9 Do you know if there were any employees	9 August 17th with Michael Kulakowski, correct?
10 referenced initially?	10 A Yes, they're notes from Kulakowski.
11 A In the Speak Up! call?	11 Q And you met with him on August 17th, 2016,
12 Q Yes.	12 correct?
13 A Their names were not referenced in the	13 A I don't remember which date I talked to him
14 Speak Up! call.	14 on the phone and which date was in person.
15 Q Are there any names that were previously	15 Q Okay. And your notes from your conversation
16 referenced before August 9th that you can think of	16 with him go through what's labeled WestRock 208
17 or know of?	17 through 209, correct? Well, and the top of 210.
18 A I'm not sure I understand.	18 A Yes, to the top of 210.
19 Q Well, on August 9th, had you gotten -- you	19 Q Okay. And when you talked with him on
20 probably just don't know. I mean, it's not -- I was	20 August 17th, 2016, he had told you about the name
21 just trying to figure something out. It's okay.	21 calling and the hitting and the smacking and the
22 Let's move on.	22 kicking by Mr. Whited against him, right?
23 MS. COLLINS: Let's mark the next	23 A Repeat the question, please, ma'am.
24 document as Exhibit 27.	24 Q When you talked with Mr. Kulakowski on
25 (Marked Exhibit No. 27.)	25 August 17th, 2016, he told you that he was afraid
Page 99	Page 101
1 BY MS. COLLINS:	1 of Mr. Whited, right? That's on the first page.
2 Q Do you recognize this document?	2 A Yes.
3 A Yes.	3 Q And he also told you that Mr. Whited called
4 Q And are these more notes that you had sent?	4 him different names and threw a helmet at him. It's
5 A These are the notes from the investigation	5 on the first page.
6 and I sent them to myself, my typed notes.	6 A Yes.
7 MS. COLLINS: You know what, Mary, we	7 Q Okay. And that he had been kicked in the
8 were talking earlier about the disconnect between	8 groin.
9 the pages.	9 A Yes.
10 MS. DOHNER SMITH: Yes.	10 Q And that Mr. Whited had grabbed his zipper
11 MS. COLLINS: I think that this -- the	11 and asked him to come into the bathroom to do this.
12 first page of Exhibit 26 is the first page of this	12 Do you know what he meant by that?
13 one. And so then I'm just not sure what the -- what	13 A He stated Tommy grabbed Tommy's zipper.
14 207 goes to, but I think it looks like this is what	14 Q Tommy grabbed his own zipper?
15 the first page, looks like 208, because these are	15 A Yes.
16 her notes from Kulakowski.	16 Q And asked Mr. Kulakowski to come into the
17 MS. DOHNER SMITH: Yeah.	17 bathroom and, quote, do this?
18 MS. COLLINS: Does that sound right to	18 A Yes, that is what Kulakowski said.
19 you?	19 Q Did you ask him what he meant by do this?
20 MS. DOHNER SMITH: That looks like,	20 A I don't recall if I asked him that
21 yes.	21 specifically.
22 MS. COLLINS: Okay. Let's go off the	22 Q What did you take that to understand that
23 record for one second.	23 meant?
24 (Discussion off the record.)	24 A I didn't know at this time. When he first
25 MS. COLLINS: Let's go back on the	25 told it to me, I didn't understand. I misunderstood

1 him on the phone conversation. 2 Q What do you mean? 3 A I thought that he meant that Tommy had 4 grabbed his zipper. I misunderstood him. He later 5 explained -- and I don't recall if it's in this -- 6 that Tommy grabbed his own zipper while going into 7 the bathroom. 8 Q And said something -- it says, "shake in his 9 pants." "Asking him to come into the bathroom to do 10 this; shake in his pants." 11 A Grab the zipper, shook it, like his pants. 12 Q So it was like he was requesting 13 Mr. Kulakowski come in the bathroom with him? 14 A I don't know exactly what he was doing. 15 Q Is that what you took that to mean? 16 A Repeat it, the question. 17 Q Is that what you took that to mean, that he 18 was shaking his -- that Mr. Whited was shaking his 19 groin area and telling him to come into the 20 bathroom? 21 MS. DOHNER SMITH: Objection. 22 THE WITNESS: I don't know what Tommy 23 meant, so I don't know. 24 BY MS. COLLINS: 25 Q But if Mr. Whited was shaking his -- shaking	Page 102 1 structure. 2 Q Okay. 3 A He was told to report things to Jerry, 4 referring to Jerry Harville, then Jerry would report 5 to Larry Eden, and Larry would report to Tommy 6 Whited. 7 Q Did he say that -- did Mr. Kulakowski tell 8 you that he had reported some of the things that had 9 happened to him by Mr. Whited to those people? 10 A He told me he told Jerry Harville. 11 Q Did he also tell you that he told Larry Eden 12 what had been going on with him? 13 A I don't think so. I don't know. 14 Q And Donnie Taylor substantiated the reports 15 that Mr. Kulakowski made about him being kicked, 16 right? 17 A Yes. 18 Q On the next page, it also looks like you 19 spoke with Cindy Rosas. 20 A Yes. 21 Q Is she still there? 22 A I believe so. 23 Q Did you ask her if she had witnessed any 24 hitting or kicking by Tommy Whited towards any of 25 the male employees?	Page 104
1 his own groin area and telling Mr. Kulakowski to 2 come into the bathroom with him, implying some sort 3 of sexual favor, that would be -- 4 MS. DOHNER SMITH: Objection. 5 BY MS. COLLINS: 6 Q -- inappropriate, correct? 7 A Yes. 8 Q And that would be sexual harassment, 9 correct? 10 MS. DOHNER SMITH: Objection. 11 BY MS. COLLINS: 12 Q If he were implying a request for a sexual 13 favor. 14 A Yes. 15 Q And Mr. Kulakowski also told you that 16 Mr. Whited had done -- had also hit Jerry Harville 17 in the groin area, right? 18 A Yes. 19 Q And you were able to substantiate that 20 allegation, correct? 21 A Yes. 22 Q And when he told you that he was told to 23 report things to Jerry, to Larry, to Tommy, what do 24 you mean -- what does that mean? 25 A I believe I asked him his reporting	Page 103 1 A Repeat the question, please, ma'am. 2 (The requested question was read back 3 by the court reporter as follows: 4 "Question: Did you ask her if she had 5 witnessed any hitting or kicking by Tommy Whited 6 towards any of the male employees?") 7 THE WITNESS: No. 8 BY MS. COLLINS: 9 Q Why not? 10 A I asked if she witnessed any inappropriate 11 behavior. I didn't specifically use Tommy's name in 12 any of these questions, it appears. 13 Q Okay. And you also didn't ask her 14 specifically if she had witnessed any hitting or 15 kicking of any other employees in the groin in the 16 workplace, did you? 17 A I'm not sure. 18 Q On Page 4, it's got WestRock 211 down at the 19 bottom. Are these your notes from when you talked 20 to Jerry Harville? 21 A Yes. 22 Q And he substantiated that Tommy Whited had 23 hit him in his private area, correct? 24 A He substantiated? 25 Q That Tommy Whited had hit him in his private	Page 105

1 area. 2 A He stated Tommy had hit him in the private 3 area, yes. 4 Q And he didn't report it because if he had 5 turned it in, he thought he would lose his job, 6 right? 7 A Yes. 8 Q And he was also one of the ones that 9 substantiated that he had kicked Michael Kulakowski 10 in his privates, right? 11 A I don't recall if it was kicked or hit. 12 Q It says, "Inappropriate behavior - kicked 13 Kuli in privates as well." 14 A Okay. 15 Q So yes? 16 A Yes. 17 Q Okay. Were these the only notes you took 18 from your conversation with Jerry Harville? 19 A Yes. 20 Q Would these have been on the same day that 21 you talked with Ms. Rosas on August 15th? 22 A Yes. 23 Q Where did you speak with Mr. Harville? In 24 person or on the phone? 25 A In person.	Page 106	Page 108
1 Q Where? 2 A Sheet plant. 3 Q And Mr. Harville told you that he had 4 reported to Larry Eden that his next step was going 5 out the door, right? 6 A Repeat the question, please. 7 Q It says right here, "Told Larry to tell 8 Jerry - my next step is out the door - he bullies 9 and is intimidating." 10 Right? 11 A Tommy told Larry to tell Jerry. That's what 12 Jerry stated. 13 Q Tommy told Larry that my next step is out 14 the door? 15 A Tommy told Larry to tell Jerry, his next 16 step is out the door. 17 Q So Jerry's job was threatened? Is that what 18 you're saying? 19 MS. DOHNER SMITH: Objection. 20 THE WITNESS: I'm not saying that. I'm 21 stating that Jerry told me that Tommy told Larry to 22 tell Jerry, my next step is out the door. 23 BY MS. COLLINS: 24 Q That Jerry's next step was to go out the 25 door, right?	Page 107	Page 109

<p>1 Mr. Harville?</p> <p>2 A Yes.</p> <p>3 Q Was this in person or on the phone?</p> <p>4 A In person.</p> <p>5 Q Now, it looks like you had asked him if he 6 had witnessed any inappropriate behavior. But do 7 you recall specifically asking him if he had seen 8 any employees hitting or kicking other employees, in 9 particular hitting or kicking them in the groin?</p> <p>10 A I didn't -- no, I don't recall doing that.</p> <p>11 Q Why not?</p> <p>12 A I don't recall when I spoke to him how much 13 I knew at that time.</p> <p>14 Q Did you circle back with him and ask him 15 specifics like that?</p> <p>16 A I don't recall.</p> <p>17 Q But if you would have, you would have 18 recorded it in your notes somewhere, right?</p> <p>19 A If I did, yes. I would assume it would be 20 somewhere in the notes.</p> <p>21 Q And on the next page, there's another -- 22 there's a line there, and it says, "Scruggs, Kuli, 23 Hall, Eden."</p> <p>24 What is the context of this? Is this an 25 interview or are these just more notes?</p>	<p>Page 110</p> <p>1 can figure out who said what - calling the hotline, 2 y'all can call the hotline if you want to - he gets 3 them and knows what is on them and who calls - she 4 thinks he is trying to get her to quit."</p> <p>5 Is that what you were talking about earlier, 6 that she had stated that things that Tommy Whited 7 had said to her or to other employees about calling 8 the hotline or filling out the surveys?</p> <p>9 A Yes. Helen stated -- that's the 10 conversation I had with Helen. Whether or not she 11 was referencing she overheard him say that to the 12 other employees or if this was items that he 13 specifically said to her, these are things -- so the 14 survey meeting before and said just remember, I can 15 figure out who said what. She's saying that she 16 heard that from Tommy.</p> <p>17 Q Okay. On the next page it says, "Head count 18 for salary, people in Gallatin; vacation - no one 19 gets to take it like they should - they are afraid 20 to turn it in - Larry is afraid to ask for him."</p> <p>21 What is that about?</p> <p>22 A It appears it's a note that I made to myself 23 to look into the head count for salary people in 24 Gallatin, but I'm not sure.</p> <p>25 Q Were there complaints that people were</p>
<p>1 A They appear to be notes.</p> <p>2 Q Okay. Do you know what these notes are 3 from?</p> <p>4 A Not specifically.</p> <p>5 Q And you have as one of the notes, "Kuli told 6 Lana - that T.W." -- and that's Tommy Whited, right?</p> <p>7 A Yes.</p> <p>8 Q -- "has kicked him in the balls - he has 9 medical condition now because of it."</p> <p>10 Would that have been information that Lana 11 gave you or that Michael Kulakowski gave you?</p> <p>12 A Lana.</p> <p>13 Q And it also states, "Jerry Harville - kicked 14 in the balls by T.W."</p> <p>15 Who gave you that information?</p> <p>16 A Lana.</p> <p>17 Q Okay. And going down on the e-mail chain, 18 it looks like you e-mailed yourself on 19 August 12th, 2016, based on conversations that you 20 had with Johanna and Helen. Is that what you were 21 talking about earlier when you were talking about 22 your notes from talking to those two women?</p> <p>23 A Yes.</p> <p>24 Q Okay. And by Helen, you have here that 25 "Survey - meeting before and said just remember, I</p>	<p>Page 111</p> <p>1 afraid to take their vacation?</p> <p>2 A Yes.</p> <p>3 Q It also says down here that "Jerry - was 4 afraid to report his injury because he was scared 5 Tommy would fire him."</p> <p>6 Was that Jerry Harville?</p> <p>7 A Yes.</p> <p>8 Q Would that be a violation of WestRock policy 9 for a manager to encourage an employee not to report 10 a workplace injury?</p> <p>11 A Yes.</p> <p>12 MS. COLLINS: Let's mark this as 13 Exhibit Number 28.</p> <p>14 (Marked Exhibit No. 28.)</p> <p>15 BY MS. COLLINS:</p> <p>16 Q Is this an e-mail that you sent on 17 August 29, 2016?</p> <p>18 A Yes.</p> <p>19 Q And you confirmed to Tom Pedine that Donnie 20 had seen Tommy Whited slapping him in the nuts, 21 kicking him in the nuts, slapping him on the back of 22 the head?</p> <p>23 A Yes.</p> <p>24 Q And that was based on things that you found 25 in your investigation, right?</p>

	Page 114		Page 116
1 A	The statement?	1 Q	And you agree that pursuant to WestRock's
2 Q	Yes.	2 policies,	they had an obligation to report that
3 A	Yes.	3 conduct?	
4 Q	If you could turn to Exhibit Number 9, please.	4 A	Yes.
6	(Presented Exhibit No. 9.)	5 Q	And by them not reporting that conduct, the
7 BY MS. COLLINS:		6 supervisors	not reporting that conduct, they
8 Q	Have you seen these documents before?	7 violated	WestRock's policies, didn't they?
9 A	Yes.	8 A	Yes.
10 Q	Tell me what these are.	9 Q	And you agree that grabbing another man in
11 A	They're notes.	10 his testicles in the workplace when it's unwanted	
12 Q	Well, where did you get them?	11 can constitute sexual harassment, right?	
13 A	I don't recall who exactly sent them to me.	12 A	Yes.
14 I received them via e-mail.		13 Q	Could you turn to Exhibit Number 8 in that
15 Q	From who?	14 binder?	
16 A	I don't remember. I don't remember who sent	15	(Presented Exhibit No. 8.)
17 them.		16 BY MS. COLLINS:	
18 Q	When did you get them?	17 Q	Did you create this document?
19 A	I don't remember the date of the e-mail.	18 A	Yes.
20 Q	You don't recall who sent them to you,	19 Q	Was this based on an in-person meeting you
21 though?		20 had with Michael Kulakowski or a phone call?	
22 A	I do not.	21 A	I honestly don't remember at this point.
23 Q	Was it during your investigation?	22 Q	Sure. While you were conducting this
24 A	It was not.	23 investigation into Mr. Whited's behavior, Michael	
25 Q	Was it before or after Mr. Whited was	24 Kulakowski continued to work out at the plant with	
		25 him, right?	
	Page 115		Page 117
1	terminated?	1	MS. DOHNER SMITH: Objection.
2 A	I received these after he was terminated.	2	THE WITNESS: I don't know that I could
3 Q	Do you still have the e-mail where you	3	answer that accurately.
4 received copies of these?		4 BY MS. COLLINS:	
5 A	I should.	5 Q	Okay. But you don't recall Mr. Whited being
6 Q	The e-mail that these were attached to, were	6 suspended or being placed out of work, right?	
7 they color copies or were they black-and-white		7 A	I don't remember.
8 copies like this?		8 Q	But that should be in his personnel file if
9 A	I don't remember.	9 he were suspended pending investigation, right?	
10 Q	Have you ever seen the original of these?	10	MS. DOHNER SMITH: Objection.
11 A	No.	11	THE WITNESS: Not necessarily.
12 Q	Do you know whose handwriting this is?	12 BY MS. COLLINS:	
13 A	I do not recognize the handwriting.	13 Q	Would it be part of the investigation file?
14 Q	Can you get the e-mail that these are	14 A	I don't know.
15 attached to to your attorney?		15 Q	Would it be reflected in his attendance --
16 A	Yes.	16 any sort of attendance or documents like that if he	
17 Q	Now, prior to the investigation that y'all	17 were suspended pending an investigation?	
18 launched in August 2016, had any of Michael		18 A	No.
19 Kulakowski's supervisors reported that he -- that		19 Q	Well, if an employee were suspended pending
20 they had seen him being hit or kicked by Tommy		20 an investigation, y'all would keep track of that	
21 Whited in the groin?		21 somehow, wouldn't you?	
22 A	Not to me.	22 A	Yes.
23 Q	Do you agree that they should have if they	23 Q	How would you keep track of that?
24 had witnessed such conduct?		24 A	In our HRIS system.
25 A	Yes.	25 Q	So, the HRIS system would indicate whether

1 or not Mr. Whited was suspended pending an 2 investigation? 3 A If he was suspended without pay, yes. 4 Q If he was suspended with pay, would that be 5 reflected anywhere? 6 A Not that I have access to. 7 Q Would it be recorded anywhere that you might 8 not have access to? 9 A If he were suspended pending investigation, 10 I would not have access to that information. It 11 would be someone above me. 12 Q But as far as you know, he continued to work 13 while you were investigating these allegations? 14 A I don't remember exactly. 15 Q If you could turn to Exhibit Number 14 for 16 me, please. 17 (Presented Exhibit No. 14.) 18 BY MS. COLLINS: 19 Q Have you seen this document before? 20 A Yes. 21 Q It looks like on August 29th, Keith Hall 22 had -- had you talked to Keith Hall that day? 23 A I'm not sure when I spoke to him. 24 Q But he let you know that -- it sounds like 25 Tommy Whited was calling him, asking him what was	Page 118 1 MS. COLLINS: Okay. That's all I have. 2 MS. DOHNER SMITH: Unfortunately, I 3 have a few. 4 E X A M I N A T I O N 5 BY MS. DOHNER SMITH: 6 Q Ms. Henley, just a moment ago you were asked 7 about whether or not Tommy Whited was placed on 8 suspension during the investigation or whether 9 Mr. Kulakowski had to continue to work on him. 10 Mr. Kulakowski was actually on vacation at 11 the time that the investigation took place, correct? 12 MS. COLLINS: Objection to form. 13 THE WITNESS: He was on vacation at 14 some point during the investigation, yes. 15 BY MS. DOHNER SMITH: 16 Q If you look on Exhibit 28, Tom Pedine had 17 asked you about Donnie Taylor confirming 18 Mr. Kulakowski's allegations on August 29th. And 19 Mr. Whited was terminated the very next day, 20 correct, on August 30th? 21 A According to Number 24, separation notice. 22 MS. COLLINS: I'm just going to object 23 to form, just due to the inconsistency in the date 24 beside the initial -- 25 MS. DOHNER SMITH: Well, it says at the
1 going on with this investigation, right? 2 A Yes. 3 Q You have recorded that on Saturday that 4 "Keith stated that Tommy told him that we (M.M., 5 T.P., and T.H.)" -- is that you, Melinda, and Tom 6 Pedine? 7 A Tom Pedine, Terri Henley, Melinda McGraw. 8 Q -- "had asked Tommy questions about 9 horseplay with employees and about his eating lunch 10 and breakfast with Susan." 11 Right? 12 A That is in reference to Tommy questioning 13 Keith why we were coming to Gallatin. 14 Q Okay. Is pretty much the context of what 15 you talked about with Keith recorded in your notes 16 here? 17 A Yes. 18 Q Okay. Is this part of the reason why y'all 19 had security come out to the plant? 20 MS. DOHNER SMITH: Objection. 21 THE WITNESS: Is what? 22 BY MS. COLLINS: 23 Q Any of the things that Mr. Hall reported? 24 A I don't know. I didn't make the decision 25 for security to come out.	Page 119 1 top of Number 24 -- 2 (Presented Exhibit No. 24.) 3 BY MS. DOHNER SMITH: 4 Q It says last date employed, from 8/31/1970 5 to 8/30/16, correct? 6 A Yes. 7 Q And is that the date that Mr. Whited was 8 informed of his termination, on August 30, 2016? 9 A Yes. 10 Q That's the day after Mr. Pedine asked you if 11 Mr. Taylor had confirmed the allegations that Tommy 12 Whited was slapping and kicking Mr. Kulakowski, 13 correct? 14 A Yes. 15 Q Earlier you had been asked a question about 16 Jerry Harville, indicating he didn't report Tommy 17 because he thought he would lose his job. 18 Did Mr. Harville indicate that he had hit 19 Tommy back and thought he might get in trouble 20 because of that? 21 A Yes. 22 MS. COLLINS: Objection to form. 23 BY MS. DOHNER SMITH: 24 Q And when Mr. Harville is reporting that 25 Tommy Whited had apparently told Larry to tell him

Page 122	Page 124
1 his next step is out the door, that is something 2 that would have happened before he made that report 3 to you, correct? If he was reporting it, it had to 4 have happened before?	1 raised, correct? 2 A Yes. 3 Q Okay. Now, if you turn back to the Summary 4 of Findings and Conclusions, where it says 5 "Workplace violence/horseplay," that's the 6 allegation that was raised, correct?
5 A Yes.	7 A Yes.
6 Q Jerry Harville is not a member of 7 management, correct? He's an hourly employee?	8 Q And then it just says, "Violation of company 9 policy." Correct?
8 A Correct.	10 A Correct.
9 Q And he has no managerial authority?	11 Q You didn't list out the actual policies that 12 it violated, correct?
10 A Correct.	13 A Correct.
11 Q Earlier you were asked if Tommy Whited shook 12 his groin and asked for sexual favors, would that be 13 a violation of the harassment policy, and you said 14 yes.	14 Q You just noted that it was an overall 15 violation of company policy?
15 Did Mr. Kulakowski ever report to you that 16 Tommy Whited shook his groin and asked for sexual 17 favors from him?	16 A Yes.
18 A No.	17 Q So it's not that you were saying that Tommy 18 Whited's conduct was not a violation of the 19 harassment policy; you just didn't list out the 20 policies.
19 Q Despite the fact that Mr. Whited denied 20 allegations that he kicked and hit employees in the 21 groin, he was terminated, correct?	21 A Correct.
22 MS. COLLINS: Objection to form.	22 Q You were asked if security was called as a 23 matter of course when a GM is let go.
23 THE WITNESS: Yes.	24 Have you ever had another instance where a 25 general manager of one of your facilities was
24 BY MS. DOHNER SMITH:	
25 Q If you take a look at Exhibit 22, what is	
Page 123	Page 125
1 marked as Exhibit 22. 2 (Presented Exhibit No. 22.)	1 terminated? 2 A No. 3 Q So you don't know if that would be normal 4 course when a GM is let go?
3 BY MS. DOHNER SMITH:	5 A Correct.
4 Q On the second page, you were asked questions 5 about Mr. Whited saying he had not participated in 6 horseplay under the definition. You indicated you 7 couldn't recall what the definition is.	6 Q Earlier you were asked some questions about 7 whether or not knowing about an allegation of sexual 8 harassment against Tommy Whited in 2013 had made a 9 difference, and you said no. Is that because he was 10 terminated regardless?
8 Would you go ahead and read the question 9 before that?	11 MS. COLLINS: Objection to form.
10 A "What is your definition of horseplay?"	12 THE WITNESS: Would you repeat the 13 question?
11 Q All right. Then he provided his definition 12 there, correct?	14 BY MS. DOHNER SMITH:
13 A Yes.	15 Q Earlier you had said you didn't think 16 knowing of the 2013 sexual harassment complaint 17 against Tommy Whited would make a difference in this 18 situation.
14 Q So is that the definition he was referring 15 to?	19 Why wouldn't it have made a difference?
16 A Yes.	20 A Because my investigation revealed -- because 21 of my current investigation.
17 Q If you'd go ahead and grab what was marked 18 as Exhibit Number 19.	22 Q You would have conducted a thorough 23 investigation regardless?
19 (Presented Exhibit No. 19.)	24 A Yes.
20 BY MS. DOHNER SMITH:	25 Q And as a result of your investigation,
21 Q If you look at the page, at the bottom it's 22 marked as Page 228, toward the top it says, "New 23 Information: Workplace violence/horseplay - GM has 24 physically assaulted employees."	
25 That referenced the allegations that were	

Page 126	Page 128
1 Mr. Whited was let go?	1 managerial level position?
2 A Yes.	2 A No.
3 Q If you could grab for us, I think it was	3 Q Earlier you had been asked about a manager
4 Number 4.	4 showing his private parts to a subordinate and you
5 (Presented Exhibit No. 4.)	5 said, no, it wouldn't necessarily be sexual
6 BY MS. DOHNER SMITH:	6 harassment.
7 Q If you turn to Page 7, you were asked about	7 It would have to depend on the
8 the complaints hotline not saying anything specific	8 circumstances, correct?
9 about harassment. But it does say, "Complaints	9 MS. COLLINS: Objection to form.
10 about suspected violations by any RockTenn	10 THE WITNESS: Yes.
11 employee...of any law or of any RockTenn code of	11 BY MS. DOHNER SMITH:
12 business conduct and ethics."	12 Q For example, if they were in a consensual
13 A Yes.	13 sexual relationship, it wouldn't amount to sexual
14 Q So it basically covers anything.	14 harassment?
15 A Yes.	15 A Correct.
16 Q Okay. And if you turn to Pages 11 and 12 of	16 Q WestRock doesn't consider it to be a term or
17 the harassment policy, throughout here it actually	17 condition of employment to be hit or kicked in the
18 says, call the compliance hotline, correct?	18 groin, does it?
19 A Yes.	19 MS. COLLINS: Objection to form.
20 Q It actually says it a number of times?	20 BY MS. DOHNER SMITH:
21 A Yes.	21 Q Have you ever heard anyone in WestRock upper
22 Q Okay. Now, in the policy, it says if a	22 management say, in order to work here, you have to
23 manager is involved, harassment should be reported	23 be hit or kicked in the groin?
24 to local HR.	24 A No.
25 Prior to August of 2016, did Michael	25 Q In fact, that type of conduct is prohibited,
Page 127	Page 129
1 Kulakowski ever report anything to you indicating he	1 correct?
2 had been sexually harassed?	2 A Yes.
3 A He did not.	3 Q Earlier you had been asked if hitting
4 Q When Mr. Kulakowski met with you and talked	4 another employee in the groin is conduct of a sexual
5 with you in August of 2016, did he ever tell you he	5 nature.
6 had been sexually harassed?	6 Would that depend on the circumstances as
7 MS. COLLINS: Objection to form.	7 well?
8 BY MS. DOHNER SMITH:	8 A Yes.
9 Q Did he use those words?	9 MS. COLLINS: Objection to form.
10 A I don't recall.	10 BY MS. DOHNER SMITH:
11 Q If that had been something he had said,	11 Q For example, two guys joking around with
12 would you have put it in your notes?	12 each other, kind of locker room, smacking each other
13 A Yes.	13 with a towel type of thing, that wouldn't
14 MS. COLLINS: Objection to form.	14 necessarily be sexual in nature, would it?
15 BY MS. DOHNER SMITH:	15 MS. COLLINS: Objection to form.
16 Q Earlier you answered a question that Michael	16 THE WITNESS: Not necessarily.
17 Kulakowski told you he had -- or that Michael	17 MS. DOHNER SMITH: I think that's it.
18 Kulakowski had reported to you that on numerous	18 FURTHER DEONENT SAITH NOT.
19 occasions, he had been hit or kicked and it had been	19 (Proceedings concluded at 3:10 p.m.)
20 witnessed by managers.	20
21 Was he saying he had reported that on	21
22 numerous occasions or that it had happened on	22
23 numerous occasions?	23
24 A It had happened on numerous occasions.	24
25 Q Is the safety coordinator position a	25

Page 130

1 REPORTER'S CERTIFICATE

2

3 I, Jerri L. Porter, RPR, CRR, Notary
4 Public and Court Reporter, do hereby certify that I
5 recorded to the best of my skill and ability by
6 machine shorthand all the proceedings in the
7 foregoing transcript, and that said transcript is a
8 true, accurate, and complete transcript to the best
9 of my ability.

10 I further certify that I am not an
11 attorney or counsel of any of the parties, nor a
12 relative or employee of any attorney or counsel
13 connected with the action, nor financially
14 interested in the action.

15 SIGNED this 27th day of November, 2017.

16

17



21 Jerri L. Porter, RPR, CRR

22 My Notary commission expires: 2/19/2018

23 Tennessee LCR No. 335

Expires: 6/30/2018

24

25

Page 131

1 E R R A T A

2

3 I, TERRI HENLEY, having read the foregoing
deposition, Pages 1 through 129, taken
4 November 15, 2017, do hereby certify said
testimony is a true and accurate transcript,
5 with the following changes, if any:

6 PAGE LINE SHOULD HAVE BEEN

7 _____
8 _____
9 _____
10 _____
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17

18 _____

19 TERRI HENLEY

20

21

22 _____

Notary Public

23 My commission expires: _____

24

25